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# HOUSE . . . . . . . . No. 3901

The Commonwealth of Massachusetts

## MESSAGE FROM
## HIS EXCELLENCY THE GOVERNOR
## SUBMITTING
## REORGANIZATION PLAN
## NUMBER 1 OF 2003,
## RELATIVE TO REFORMING,
## RESTRUCTURING AND
## REVITALIZING GOVERNMENT

(under Article LXXXVII

of the Amendments

to the Constitution)

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THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
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MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

May 14, 2003

To the Honorable Senate and House of Representatives:

We are filing for your consideration the attached reorganization plan known as "An Act to Reform, Restructure and Revitalize Government." This plan will reorganize Executive Branch operations to give the Governor, Cabinet, and executive leadership the tools necessary to manage well with fewer resources and to create accountability in the chain of command. This legislation will save money for taxpayers, improves the delivery of services to citizens and incorporates suggestions from the Legislature and other interested parties.

Notably, for the first time, the entire structure of the Executive Branch will be described in a single, comprehensive chapter of the General Laws, enabling the public and members of the General Court to know at a glance who is in charge of what. Significantly, this proposal does not change any of the rights, services, or responsibilities conferred under the General Laws; this legislation only changes the structure of the Executive Branch.

Highlights of this plan include:

- The creation of a new Executive Office of Education to oversee both K-12 and higher education;
- The creation within the Executive Office of Health and Human Services of 5 clusters (the Department of Health, the Department of Disabilities and Community Services, the Department of Children, Youth, and Family Services, the Department of Elder Affairs, and the Department of Veterans' Services) to enable enhanced consistency, collaboration, and efficiency of programs and service delivery across agencies;
- The integration of the Division of Medical Assistance into the Executive Office of Health and Human Services;
- The creation of a new Executive Office for Commonwealth Development to oversee the former Executive Office of Environmental Affairs (renamed the Department of Environment), the former Executive Office of Transportation and

Construction (renamed Department of Transportation), Department of Housing and Community Development and the Office of Energy Resources;

- The merger of the Metropolitan District Commission and the Department of Environmental Management to create a single statewide parks agency, the Division of Conservation and Recreation;
- The Commonwealth's transportation agency, the Executive Office of Transportation and Construction, currently lacking adequate statutory powers, will be replaced by a unified, multimodal Department of Transportation;
- The creation of a new Executive Office of Economic Affairs, incorporating the former Department of Economic Development (renamed Department of Business and Technology), the former Office of Consumer Affairs and Business Regulation (renamed Department of Consumer and Commercial Services) and the former Department of Labor and Workforce Development (renamed Department of Labor);
- The renaming of the Executive Office of Public Safety to the Executive Office of Public Safety and Homeland Security to reflect its new homeland security responsibilities;
- The formalizing of the oversight by the Governor's Chief Legal Counsel of state lawyers and outside counsel to permit better management, administration, coordination and communication of Executive Branch legal services;
- The creation of a new Office of Administrative Hearings as the central adjudicatory agency of the Commonwealth; and
- The merger of the Department of Capital Asset Management and Maintenance and the Bureau of State Office Buildings.

In sum, this plan will ensure that the six million citizens of Massachusetts have a government that works for them – a government that runs smarter and more efficiently. Accordingly, acting pursuant to Article LXXXVII of the Amendments to the Constitution of the Commonwealth and Chapter 4, Section 1A of the General Laws, we hereby submit this message accompanied by a reorganization plan which is to take effect after the expiration of sixty days unless disapproved by a majority of members of either of the two branches of the General Court, and which shall be designated as Executive Plan Number 2003-1.

Respectfully submitted,

Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

# The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT TO REFORM, RESTRUCTURE AND REVITALIZE GOVERNMENT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The General Laws are hereby amended by inserting, prior to chapter 7, the following new chapter:—

## CHAPTER 6C.

## CABINET, OFFICE OF THE GOVERNOR AND EXECUTIVE OFFICES.

Section 1. There is hereby established a cabinet, which shall serve directly under the governor. The cabinet shall consist of the following 13 members: the secretary of administration and finance; the secretary of commonwealth development, and as auxiliaries to said secretary, the secretary of environment, the secretary of transportation and the secretary of housing and community development; the secretary of economic affairs, and as auxiliaries to said secretary, the secretary of business and technology, the secretary of consumer and commercial services, and the secretary of labor; the secretary of education; the secretary of health and human services, and as an auxiliary to said secretary, the secretary of elder affairs; the secretary of public safety and homeland security; and such other offices of the executive department as the governor may from time to time designate.

### *Office of the Governor*

Section 2. (a) The governor may appoint to his office and the executive offices such administrative, communications, legislative, and other staff members as may be necessary to coordinate all administrative, press, and legislative services to the governor and the executive offices. Such staff members shall serve at the pleasure of the governor and receive such salary as may be fixed by the governor. Persons appointed to supervisory positions in the office of the governor may, subject to approval of the governor, appoint and remove such additional assistants, and other persons as the work of the offices may require, and may, with approval of the governor, transfer any employee appointed under this section between the office of the governor and the executive offices as necessary or desirable for the efficient provision of such services.

(b) There is hereby established within the office of the governor an office of the governor's counsel which shall represent and provide legal services to the executive offices and governor as the supreme executive magistrate of the Commonwealth. The governor shall appoint a chief legal counsel who shall serve as counsel to the governor and manage, administer and coordinate all legal functions and affairs of the executive offices and state agencies. Notwithstanding section 31 of chapter 29, and subject to the approval of the governor, the chief legal counsel may assign deputy legal counsels, general counsels, deputy general counsels and assistant counsels to perform legal services based on his determination of the legal needs of the executive offices and state agencies. The chief legal counsel shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the office of the governor's counsel, subject to the approval of the governor, including:

(1) Appoint and remove such deputy legal counsel and personnel as are necessary for the operation of the office of the governor's legal counsel.

(2) Render such legal advice, and such representation prior to initiation of any litigation in court, as are required concerning every matter and issue arising in connection with the exercise of the official powers and duties, and performance thereof, in the operation of each executive office, department, and state agency and, upon request and at the governor's legal counsel's discretion, each independent authority.

(3) Upon request, assist and cooperate fully with the attorney general and the counsel of each independent authority in the performance of their duties.

(4) Upon request of the attorney general and upon designation of the governor's legal counsel, deputy legal counsel, general counsels, deputy general counsels, or assistant counsels as special assistant attorneys general, initiate appropriate proceedings or defend any executive office, department, or state agency in any judicial tribunal, provided that such representation would not create a conflict of interest in the office of the governor's counsel as determined by the governor's chief legal counsel.

(5) Initiate appropriate proceedings or defend any executive office, department, or state agency in any administrative tribunal, provided that such representation would not create a conflict of interest in the office of the governor's counsel as determined by the governor's chief legal counsel.

(6) Upon the request of the governor, prepare requests for opinions of the justices of the supreme judicial court pursuant to Article 85 of the Articles of Amendment of the Constitution of the Commonwealth.

(7) Issue such rules, guidelines, and standards as are necessary to carry out the duties of the office of the governor's counsel provided for in this chapter.

(8) Qualify, procure, retain, and administer services of non-governmental attorneys.

(9) Nothing in this section shall be construed to derogate in any way from the powers and duties of the attorney general.

### *Executive Offices of the Governor*

Section 3. The following terms, as used in this chapter, shall unless the context requires otherwise, have the following meanings:—

"Secretary", a member of the cabinet established in section 1; provided, however, that, in section 4, "secretary" shall mean the head of an executive office established in said section 4.

"State agency", any department, division, office, bureau, commission, committee, council, board, institution, section, officer or other agency within the executive department.

Section 4. (a) There are hereby established the following six executive offices, each of which shall serve under the governor: administration and finance, commonwealth development, economic affairs, education, health and human services, and public safety and homeland security.

(b) Each executive office shall be under the direction of a secretary who shall be appointed by and serve at the pleasure of the governor. The secretary shall receive such salary as the governor may determine, and shall devote his full time to the duties of his office.

(c) Each secretary shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the executive office under his direction or to any department, division, office, bureau, or other administrative unit or agency under said executive office. He shall be the executive and administrative head of said executive office and every department, division, office, bureau, or other administrative unit or agency within that executive office, unless otherwise provided, shall be under his direction, control and supervision.

(d) Each secretary shall act as the executive officer of the governor in all matters pertaining to the financial, administrative, planning, and policy coordinating functions for accomplishing the purposes of the executive office under his direction, and, unless otherwise provided, shall:

(1) Conduct comprehensive planning with respect to the functions of the office.

(2) Coordinate the activities and programs of the state agencies therein.

(3) Coordinate with other secretaries to assure cooperation between executive offices and to eliminate duplication of executive functions.

(4) Review the operation of the agencies with a view to improving administrative organization, procedures and practices, promoting economy and efficiency, and avoiding useless labor and expenses in agencies.

(5) Recommend to the governor changes as he deems desirable in the laws relating the organization, structure, efficiency or administrative functions, services, procedures and practices of any such agency or agencies.

(6) Review and act upon budgetary and other financial matters concerning said agencies in accordance with chapter 29.

(e) Each secretary shall have access to all records, as defined in sections 42 of chapter 30, in the custody of all state agencies within his executive office, except where such access is prohibited by law. Such agencies shall furnish him with copies of all reports, notices and other documents which they are required by law to submit to the governor, the general court or any other agency, and with all other information requested by the secretary for the purpose of discharging the duties of his office.

(f) Each secretary may, subject to the approval of the secretary of administration and finance, apply for and accept on behalf of the commonwealth any funds, including grants, bequests, gifts or contributions, from any person, entity or foundation. Such funds shall be deposited in a separate account with the state treasurer and received by him on behalf of the commonwealth. All such funds may, subject to rules and regulations promulgated by the secretary of administration and finance, be expended by the secretary, in accordance with law.

(g) Each secretary is authorized to promulgate regulations as necessary to carry out the responsibilities of his executive office under this act or other applicable laws. No regulation promulgated by any state agency shall become effective until approved both by the secretary of administration and finance and the secretary of the executive office which oversees said state agency.

(h) Subject to appropriation, each secretary may, without regard to chapter 31 but subject to the approval of the governor, appoint such experts, technical consultants and other assistants in his executive office as he shall deem necessary to perform the functions of said office; provided that the provisions of section 9A of chapter 30 shall not apply to any person holding any such appointment and further provided that all legal consultants, counsel and representatives shall be subject to the approval of the solicitor general. Every person appointed to any supervisory position in said office shall have experience and skill in the field and functions of such position.

(i) Each secretary may from time to time establish within his executive office such other offices, bureaus, sections and other administrative units not otherwise established by statute as may be necessary for the efficient and economical administration of the work of said office. When necessary for the efficient and economical administration of the work of his executive office, the secretary may abolish or merge any such bureau, section or other unit that is not otherwise established by statute.

(j) All positions previously exempt from chapter 31 or section 9A of chapter 30, or their successor, agencies shall continue to be exempt under this chapter.

*Executive Office of Administration and Finance*

Section 5. (a) The executive office for administration and finance shall serve as the principal agency of the executive department of the government of the commonwealth for the following purposes:

(1) developing, coordinating, administering and controlling the financial policies and programs of the commonwealth;

(2) preparing and maintaining financial plans and, under the general direction and on behalf of the governor, preparing operating budget recommendations for all departments, offices, commissions, institutions and other entities of state government which receive periodic appropriations from the commonwealth;

(3) supervising the organization and conduct of the business affairs of the departments, commissions, offices, boards, divisions, institutions and other agencies within the executive department of the government of the commonwealth;

(4) developing new policies and programs which will improve the organization, structure, functions, economy, efficiency, procedures, services and administrative practices of all such departments, commissions, offices, boards, divisions, institutions and other agencies; and determining appropriate charges under section 3B of chapter 7.

(b) (1) The governor shall appoint a secretary of administration and finance. He shall serve at the pleasure of the governor, shall receive such salary as the governor may determine and shall devote his full time to the duties of the office. He shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the executive office for administration and finance or to any division, bureau or other administrative unit or agency under said office. He shall be the executive and administrative head of said office, and every division, bureau, section and other administrative unit and agency within said office shall be under his direction, control and supervision unless otherwise provided.

(2) Except as otherwise provided by law, the secretary shall appoint all employees of the executive office for administration

and finance. He may appoint such experts and other assistants in said office as he shall deem necessary. The secretary may, without regard to section 45 of chapter 30, but subject to the approval of the governor, appoint up to three assistant secretaries who shall receive such salary as the secretary may determine, subject to the approval of the governor, provided that such salary shall not exceed the salary of the secretary.

(3) The secretary may appoint and remove such additional assistants, technical consultants, and other persons and may engage such technical and other assistance as the work of said office may require. The secretary may expend such sums of money for expenses, including traveling expenses of officers and employees serving in said office as may be appropriate.

(4) The secretary may, with the consent of the governor, appoint an undersecretary. Said undersecretary shall be a person of ability and experience; shall serve at the pleasure of the secretary; shall receive such salary as the secretary, with the approval of the governor, shall determine; and, shall devote his entire time to the duties of his office. He shall exercise such authority and discharge such duties of the secretary as the secretary may from time to time delegate to him; and in the absence or incapacity of the secretary or in the event of a vacancy in the position of the secretary, the said undersecretary shall act as the secretary until the absence or incapacity shall have terminated or the vacancy shall have been filled.

(c) (1) The secretary shall act as the executive officer of the governor in all matters pertaining to the financial, administrative, planning, and policy coordinating functions and affairs of the departments, commissioners, offices, boards, divisions, institutions and other agencies within the executive department. He shall inquire into the business affairs of the commonwealth and the laws governing same; shall supervise program planning and the coordination of the activities and programs of the commonwealth in its dealings with the federal government; shall review and report to the governor and the general court on all proposed legislation affecting the organization, structure, efficiency and administrative functions, services, procedures and practices of the departments, commissions, offices, boards, divisions, institutions and other agencies or any of them, under the executive department; shall conduct studies of the operations of said agencies with a view to effecting improvements in administrative organization, procedures, and practices and to promote economy, efficiency and the avoidance of useless labor and expenses in said agencies or entities; shall, subject to the approval of the governor, make such rules, regulations, and orders as he deems appropriate to regulate and govern the manner and method of the distribution and disposition of audit reports from the department of the state auditor and the house and senate committees on post audit and oversight to all public agencies which are the subjects of the audit reports and shall have such other powers and duties as shall be assigned to him by law and which may from time to time be assigned to him by the governor in accordance with law.

(2) In addition to the powers and duties set forth in this chapter and those otherwise provided by law, the secretary shall have the powers and duties specified in sections 4E, 4F, 7, 7A, 8, 9, 10 and 11 of chapter 7. The secretary may also grant waivers pursuant to section 29 of chapter 29; shall undertake debt surveys, analysis and recommendations as set forth in section 98 of chapter 6; and shall consult with regard to borrowings as set forth in section 38C of chapter 29 and section 12 of chapter 161A.

(d) (1) The executive office for administration and finance shall include: (a) the department of capital assets; (b) the department of procurement; (c) the department of human resources; (d) the department of information technology; (e) the department of revenue; and (f) the Massachusetts office on disability. Said departments and offices shall develop policy and standards to govern the conduct of commonwealth secretariats, departments, agencies, boards and commissions in each of these areas, and shall provide expertise and centralized processing to said secretariats, departments, agencies, boards, commissions and other entities of state government.

(2) The following agencies shall be within the executive office for administration and finance but not subject to its control: (a) the Massachusetts commission against discrimination, as established pursuant to section 56 of chapter 6; (b) the municipal personnel advisory board, as established pursuant to section 4K of chapter 7; (c) the teachers' retirement board, as established pursuant to section 16 of chapter 15; (d) the public employee retire-

ment administration commission, as established pursuant to section 49 of chapter 7; (e) the office of the state comptroller, as established pursuant to section 1 of chapter 7A; (f) the Massachusetts development finance agency, as established pursuant to section 2 of chapter 23G; (g) the office of administrative hearings, as established in this chapter; and (h) the group insurance commission, as established pursuant to section 3 of chapter 32A.

Section 5A. (a) The department of capital assets within the executive office of administration and finance shall have the purpose of providing professional and comprehensive services in the fields of public building programming, design and construction and the efficient and economical management, acquisition and disposition of capital assets for the commonwealth.

(b) (1) The department shall be responsible for the following:

(i) the systematic, efficient and coordinated use, operation, development and budgeting of the capital assets, including, but not limited to, courthouses, correctional facilities, health and human services facilities, recreational facilities, state offices, and state university, college and community college educational facilities;

(ii) planning, design and construction of new and renovated capital assets;

(iii) planning, design and construction of accessibility and other improvements to capital assets;

(iv) development of energy-efficient and sustainable design standards for capital assets and provision of assistance in the procurement of energy management services;

(v) management of surplus and other capital assets;

(vi) development of standards for the routine and capital maintenance and repair of capital assets;

(vii) systematic review and tracking of deferred maintenance needs of capital assets;

(viii) maintenance, repairs and improvements to capital assets;

(ix) certification and debarment of contractors for public construction projects;

(x) oversight of laws applicable to state construction projects;

(xi) leasing of property for use by state agencies and the courts of the commonwealth;

(xii) acquisition and disposition, by lease, conveyance or otherwise, of capital assets;

(xiii) the powers and duties concerning the management of state office buildings pursuant to chapter 8;

(xiv) the imposition of reasonable chargebacks, as appropriate, for the use of the commonwealth's capital assets and facilities, whether leased or owned; and

(xv) such other duties and responsibilities as may be assigned to the department from time to time.

(2) In addition, the powers and duties of the department of capital assets shall include, but not be limited to, the following:

(i) administration and management of the commonwealth's capital assets, including, but not limited to, programming, design and construction services; control, supervision and oversight of public building and capital facility projects; leasing on behalf of state agencies; and acquisition, management, maintenance, control, and disposition of capital assets as set forth in chapters 7 and 8;

(ii) approval of redevelopment plans of the Massachusetts development finance agency as set forth in sections 16 and 35 of chapter 23G;

(iii) development of contracts for the procurement of energy management resources as set forth in section 11C of chapter 25A;

(iv) development of long range capital facilities plans and related reports as set forth in sections 2AA, 2F, 2G, 3, 4, 5B, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, and 7K of chapter 29;

(v) debarment of contractors for public construction contracts as set forth in section 29F of chapter 29;

(vi) rental of court facilities and interaction with the court facilities council as set forth in sections 4 and 6 of chapter 29A;

(vii) retention of contractors' financial statements as set forth in section 39R of chapter 30;

(viii) jurisdiction over capital assets of abolished counties under section 6 of chapter 34B;

(ix) jurisdiction over county capital projects as set forth under sections 26A and 28B of chapter 35;

(x) participation with the school building advisory board as set forth in section 3A of chapter 70;

(xi) consultation with the board of library commissioners as set forth in section 19I of chapter 78;

(xii) appointment of members to the highway and turnpike advisory boards as set forth in sections 28 and 30 of chapter 81A;

(xiii) consultation with the commonwealth zoological corporation as set forth in section 9 of chapter 92B;

(xiv) administration and management of seized properties as set forth in section 47 of chapter 94C;

(xv) consultation with the low level radioactive waste management board as set forth in sections 4, 9, 20, 22, 23, 27, 28, 33 and 37 of chapter 111H;

(xvi) expenditure of funds from the state exposition building maintenance fund as set forth in section 38B of chapter 128;

(xvii) administration of public construction bidding laws and the certification of bidders as set forth in sections 44A, 44C, 44D, 44E, 44E½ and 44J of chapter 149;

(xviii) coordination with the judiciary as to construction, leasing, repair and design of court facilities as set forth in sections 9 and 17 of chapter 211B; and

(xix) any other powers and duties set forth in any general or special law.

(c) (1) The department of capital assets shall be headed by a commissioner of capital assets who shall be appointed by the secretary with the approval of the governor and who may be removed in like manner. The commissioner shall be responsible for the efficient management of the operation of the department as a whole and the proper coordination of the work of and effective operation of individual offices, bureaus, and other sections which might be located therein.

(2) Except as otherwise provided in this chapter, in chapter 7, or in any other general or special law, the commissioner of the department of capital assets shall have the power, subject to appropriation, to hire such personnel as may be necessary for efficient and economical administration of the work of the division, the power to allocate the powers and responsibilities delegated to commissioner or the department between and among offices of the department in such manner as said commissioner shall deem reasonable from time to time, and such other powers and responsibilities as may be assigned to the commissioner from time to time.

(3) The commissioner may, in furtherance of the function of his office, accept and receive funds, grants, and services from the fed-

eral government or its agencies, and from departments, agencies and instrumentalities of state and local government or from private individuals, trusts and estates. The commissioner may from time to time contract for professional services in connection with the work of the division.

(d) (1) There shall be within the department of capital assets, but not subject to its control, a designer selection board, as established pursuant to section 38B of chapter 7.

(2) There shall be within the department of capital assets, but not subject to its control, the asset management board, as established pursuant to section 2 of chapter 7B.

(3) The commissioner may establish within the department such other offices, divisions, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the commissioner may abolish or merge any such division, bureau, section, or other unit that is not otherwise established by statute.

Section 5B. (a) The department of procurement shall be responsible for facilitating and auditing the acquisition of commodities and professional, general, human and social services. These acquisitions shall support the socio-economic goals of the commonwealth including minority, women and disadvantaged businesses, environmental, and other programs that are in the best interest of the commonwealth. Additionally, the department of procurement shall be responsible for the administration of printing, fleet operations and surplus personal property disposition.

(b) The powers and duties of the department of procurement shall include, but not be limited to, the following:

(1) the acquisition of goods, supplies, equipment and services, as set forth in sections 22, 22A, 25, 25A, 26, 27A of chapter 7; sections 51 and 52 of chapter 30; sections 29A and 29G of chapter 29; and section 134 of chapter 6;

(2) the administration of the state and federal surplus property programs, as set forth in sections 4L, 22 and 25A of chapter 7;

(3) the administration of the collective purchasing program for the political subdivisions of the commonwealth, as set forth in section 22A of chapter 7;

(4) the administration and management of reproduction facilities, as set forth in sections 1, 6 and 8 of chapter 5; sections 15, 27 and 29 of chapter 7; and section 35 of chapter 30;

(5) the management of state acquired vehicles, including the use and maintenance thereof, as set forth in sections 9A of chapter 7 and section 36 of chapter 30; and

(6) such other functions as the secretary may from time to time deem necessary.

(c) The department of procurement shall be headed by a chief procurement officer who shall be appointed by the secretary with the approval of the governor, who may be removed in like manner and who shall give bond in such amount as shall be fixed by the secretary for the faithful performance of his duties and for the rendering of a proper account of all money entrusted him for use of the commonwealth.

(d)(1) The chief procurement officer may establish within the department such other offices, divisions, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the chief procurement officer may abolish or merge any such office, division, bureau, section, or other unit that is not otherwise established by statute.

Section 5C. (a) The department of human resources within the executive office of administration and finance shall be responsible for establishing human resources policy for the executive branch of government. Additionally, the department of human resources shall be responsible for developing and delivering human resource services.

(b)(1) The powers of the department of human resources shall include:

(i) establishing human resource policy for commonwealth employees in the executive branch, ensuring diversity and equal opportunity;

(ii) developing rules regulating non-bargaining unit employee leave and compensation and classification;

(iii) responsibility for negotiating collective bargaining agreements with certified state employee organizations;

(iv) delegating to the human resource departments of each executive office the authority to perform administrative and technical personnel activities;

(v) developing, or delegating, the development of public safety civil service examinations;

(vi) providing management, staff and computer skills training; and

(vii) performing such other functions as the secretary may from time to time deem appropriate and necessary.

(2) The chief human resources officer shall prescribe standards and guidelines for the performance of delegated activities. The department shall develop human resource policies and establish itself as a service agency to assist other agencies and departments of government to perform their duties in an efficient and quality manner.

(3) Human resource employees assigned to specific agencies shall report to a secretariat-level human resources director, who shall report to the chief human resources officer.

(c) The department shall be headed by a chief human resources officer who shall be appointed by the secretary with the approval of the governor and who may be removed in like manner. The chief human resources officer shall be a person of ability and experience and shall be qualified for said position by virtue of education or experience in the administration of personnel systems and human resource management.

(d)(1) The chief human resources officer may establish within the department such other offices, divisions, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the chief human resources officer may abolish or merge any such division, bureau, section, or other unit that is not otherwise established by statute.

Section 5D. (a) The department of information technology within the executive office of administration and finance shall be the principal agency of the executive department responsible for the efficient and economical administration of information technology systems within the executive department, including, but not limited to, setting information technology standards and policy, reviewing and approving the planning, design, acquisition and operation of information technology systems, assessing the performance of such systems and operations, managing central information technology systems, operations and infrastructure, managing the commonwealth's mailing operations and developing a strategic plan for the use of information technology.

For purposes of this section, the term "infrastructure" shall include, without limitation, all data center, security, network, desktop and website portal services, website and application hosting, and shared services, including, without limitation, those facilitating user authentication and authorization and the use of electronic payments. The term "infrastructure" shall not include the management of agency-specific software applications.

(b)(1) The chief information officer shall periodically review the executive department's information technology assets, including, but not limited to, hardware, software, networks, websites, and telecommunications; track information technology needs; and integrate and coordinate the planning and budgeting of the executive department's information technology facilities in relation to its programmatic needs. He shall be responsible for the following with respect to the executive department: (a) allocation and disposition of its information technology assets; (b) supervision and control of the planning, design, construction, removal, installation, repair and maintenance of information technology facilities and projects; (c) information technology related business continuity planning; and (d) approval of budgets for agency level information technology expenditures.

(2) The chief information officer may, in furtherance of the function of his office, accept and receive funds, grants and services from the federal government or its agencies, and from departments, agencies and instrumentalities of state and local government or from private individuals, trusts and estates.

(3) The department of information technology shall be the central provider of all information technology infrastructure for the executive department, except where an agency's use of such infrastructure would be inconsistent with federal law. The secretary may charge agency appropriations for the cost of services centrally provided by the information technology department. The

department may also make such information technology infrastructure available for the voluntary use of the general court, the judiciary, and other constitutional officers consistent with standards set by the chief information officer.

(c)(1) The department of information technology shall be headed by the chief information officer who shall be appointed by the secretary with the approval of the governor and who may be removed in like manner. The chief information officer shall carry out such functions as the secretary may from time to time deem necessary for the administration of information technology systems within the executive department.

(2) Information technology employees assigned to specific agencies shall report to a secretariat-level information officer, who shall report to the chief information officer. The chief information officer shall approve any planned information technology development project or purchase by an agency under the authority of the governor or any secretary, before funds may be obligated for such purpose. As to information technology procurements conducted by the department of procurement, the chief information officer shall establish appropriate standards and policies for solicitations, and shall review and approve such procurements, in conjunction with the chief procurement officer.

(d)(1) The chief information officer may establish within the department such other offices, divisions, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the chief information officer may abolish or merge any such division, bureau, section, or other unit that is not otherwise established by statute.

Section 5E. (a)(1) The department of revenue, hereafter, the department, within the executive office of administration and finance shall administer the tax laws of the commonwealth, assist municipalities with matters of local finance and taxation through a local services division, administer child support enforcement programs as the commonwealth's Title IV-D agency under the Social Security Act, and for such other purposes as are expressly committed to the responsibility of the commissioner of revenue or the department under any general or special law or regulation.

(2) Since the tax revenues that support a free and open government depend upon a tax system in which its citizens have the highest degree of public trust and confidence, it is hereby declared that the promotion of such trust and confidence in the department of revenue is a paramount public purpose; that the administration of the tax laws of the commonwealth shall be free from any influence that may compromise or appear to compromise, its objectivity in any manner whatsoever; that the duties and responsibilities assigned to such department shall be carried out with the highest standards of professionalism and ethical behavior; and that its officials and employees shall act with integrity, impartiality and equality, without regard to political concerns. It is hereby further declared that these provisions be interpreted and administered in a manner that will foster these goals; that such department attract skilled and proficient personnel through the development and continuing implementation of career advancement and promotion exclusively on the basis of excellence, and that both the public and the employees of such department be made clearly and unequivocally aware of the necessarily high standards of conduct required by and applicable to the administration of the tax laws.

(b) In addition to exercising the powers and performing the duties which are or shall be assigned to the commissioner by chapters 58 to 65C, inclusive, and by any other provision of law, the commissioner:

(1) Shall make, with the approval of the secretary, and from time to time may revise, in like manner, such reasonable regulations, not inconsistent with law, as may be necessary to interpret and enforce any statute imposing any tax, excise or fee which is or shall be assessed or collected by the commissioner, or to prescribe the procedures to be followed within the department in seeking an abatement, refund, reimbursement or other relief under such statute. In each instance such regulations shall be general in scope and subject to the requirements of section 37 of chapter 30 and section 2 of chapter 30A.

(2) Shall prepare and submit to the governor and the general court an annual report containing data and comment on the work

of the department, recommendations for legislation or other action by the governor or general court, and such other information relating to the field of taxation as may be appropriate. Such report shall be printed, and copies thereof shall be made available for public distribution.

(3) Shall require that whenever the department identifies a husband and wife in any communication, document or writing intended for use outside the department, the department shall use the name of both husband and wife and shall not use a legal phrase as a substitute for either name.

(4) Shall, no later than the last Wednesday of each calendar year, prepare a statement which sets forth in simple and non-technical terms:

(i) the rights of a taxpayer and the obligations of the commissioner during an audit;

(ii) the procedures by which a taxpayer may appeal any adverse decision of the commissioner, including administrative and judicial appeals;

(iii) the procedures for processing applications for abatement and filing of taxpayer complaints; and

(iv) the procedures which the commissioner may use in enforcing the tax laws of the commonwealth, including assessment, jeopardy assessment, levy and distraint, and enforcement of liens.

(5) Shall transmit copies of the statement required under this paragraph to the house and senate committees on ways and means and to the joint committee on taxation no later than the last Wednesday of January in each calendar year, and shall distribute the statement, or information as to where and the manner in which a copy of such statement may be obtained, to all taxpayers the commissioner contacts with respect to the determination or collection of any tax administered by him, other than by providing tax forms. The commissioner shall take such actions as he deems necessary to ensure that such distribution does not result in multiple statements being sent to any one taxpayer.

(6) Shall promulgate such reasonable regulations as necessary to provide for the prompt return to taxpayers of refunds resulting from the overpayment of taxes; to provide for the earliest possible

rendering of abatement decisions, including the requirement that refunds resulting from abatement decisions be issued to taxpayers within thirty days of such decisions.

(7) Shall be allowed to participate with the division of employment and training in a program which permits employing units subject to chapter 151A to file with the department of revenue a consolidated return which includes, but is not limited to, unemployment insurance, unemployment health insurance, workforce training, income tax withholding and wage reporting information together with the required payment.

(c) (1) The department shall be under the direction of a commissioner of revenue, hereafter, commissioner, who shall be appointed by the secretary of administration and finance, with the approval of the governor, and may be removed in like manner. The commissioner shall be a person of ability and experience, shall devote full time to his duties and shall not hold any other salaried public office, or engage in any business or profession for profit during his incumbency. The commissioner shall perform such functions as said secretary shall from time to time assign to him. The commissioner shall give to the state treasurer a bond for the faithful performance of his official duties in a penal sum and with sureties approved by the governor. The commissioner shall be responsible for administering and enforcing all laws which the department is or shall be required to administer and enforce. He shall be the executive and administrative head of the department, and each division, bureau, section and district office thereof shall be under his direction, control and supervision.

(2) The commissioner shall assign to all officials, agents, clerks, and any other employees of the department their respective duties, and may transfer them. He may from time to time authorize any official of the department to exercise in his name any power or to perform in his name any duty which is or shall be assigned to him by any provision of law, and may at any time revoke any such authority. He may from time to time designate such employees of the department as he deems expedient as deputy collectors. Such deputies shall give bond for the faithful performance of their duties in such sum and in such form and subject to such conditions as he may prescribe, shall have all the powers of collectors under chapter 60, and shall serve without pay

except for their regular compensation as employees of the department.

(3) Notwithstanding the provisions of any general or special law to the contrary, positions assigned to offices of the department outside the commonwealth shall not be subject to the provisions of section 45 of chapter 30 or chapter 150E. The salaries of such positions shall be determined by the commissioner subject to the approval of the secretary of administration.

(d) (1) The commissioner shall establish offices of the department in jurisdictions outside the commonwealth for the purpose of administering and enforcing the tax laws of the commonwealth, including the conduct of audit and compliance activities.

(2) The commissioner may establish within the department such other offices, divisions, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the commissioner may abolish or merge any such division, bureau, section, or other unit that is not otherwise established by statute.

(3) There shall be a division of local services and a division of child support enforcement within the department of revenue; each headed by a deputy commissioner. Each deputy commissioner shall be appointed by the commissioner with the approval of the secretary, and may be removed in like manner; each shall be a person of ability and experience, and shall devote his entire time to the duties of his office.

(4) The commissioner shall prepare and keep current a general statement of such organization of the department, of the assignment of functions to its various administrative units, officials and employees, and of the established places at which and methods whereby the public may secure information or make requests. Such statement shall be known as the department's description of organization. He shall file with the state secretary an attested copy of such description and of each amendment thereto, and the substance of it shall be included in each annual report he shall make to the governor and the general court.

(5) The division of local services within the department of revenue shall assist cities, towns and other local government entities

to achieve sound and efficient fiscal management through technical assistance, training and oversight; in addition, the said division shall endeavor to ensure the fairness and equity of local property tax systems, the accuracy and quality of local accounting and treasury management and shall maintain a comprehensive data bank on local finances.

(6) The division of child support enforcement within the department of revenue shall be a separate administrative unit operating independent of and apart from the operational state and local tax or finance units therein. Said division shall be provided with such resources as may be necessary to implement the provisions of chapter 119A. The commissioner may delegate any child support enforcement powers or duties assigned to him by law to the IV-D agency. The commissioner may appoint and remove such additional assistants, technical consultants, contractors and other persons, may engage such other technical, contractual and other assistants as the work of said division may, from time to time, require and may develop and maintain a data processing installation exclusively for the automated collection, disbursement and data systems of the division.

Section 5F. (a) There shall be a Massachusetts office on disability within the executive office for administration and finance consisting of a director on disability and an advisory council. The office shall seek to bring about the full and equal participation of those with disabilities in all aspects of life.

(b) The powers and duties of the office shall include, but not be limited to, those set forth in sections 186 through 188, inclusive of chapter 6.

(c)(1) The director shall be appointed by the secretary with the approval of the governor, and shall serve at the pleasure of the secretary. The director shall, at the time of his appointment, have substantial professional or administrative experience in a field concerned with disability.

(2) The position of the director shall be classified in accordance with section 45 of chapter 30, and the salary shall be determined in accordance with section 46C of said chapter 30. The director shall devote his full time during business hours to the duties of the office.

(3) The director shall have sole charge of the supervision and administration of the office. The director may, subject to appropriation, employ and remove such assistant directors and other employees and consultants as he may deem necessary to enable him to perform his duties. In making such appointments, the director shall make every reasonable effort to ensure that persons with disabilities are employed.

(d) There shall be an advisory council to the Massachusetts office on disability, as established pursuant to section 189 of chapter 6.

Section 5G. (a) Notwithstanding any general law, special law or regulation to the contrary, there is hereby established within the executive office for administration and finance, but not subject to its control, an office of administrative hearings, hereinafter designated the office. The said office will serve as an independent agency within the executive office for administration and finance for purposes of conducting all administrative hearings in contested cases, excluding permitting, licensing and rate setting functions, before those state agencies and other governmental entities that may be expressly included herein.

(b)(1) In addition to the foregoing, the office:

(i) shall conduct such alternative dispute resolution procedures as shall be required hereunder;

(ii) shall conduct administrative hearings in matters for which the office is required to conduct such hearings under other provisions of law;

(iii) may, for a fee and under contract, engage in administrative hearings or alternative dispute resolution procedures in matters voluntarily referred to the office by any state, county or local governmental entity.

(2) All functions, duties, authority and jurisdiction heretofore exercised (a) by the division of administrative law appeals under section 4H of chapter 7 and other applicable statutes and regulations; (b) by the appellate tax board under chapter 58A and other applicable statutes and regulations; (c) by the office of dispute resolution pursuant to section 51 of chapter 7 and other applicable statutes and regulations; and (d) by the civil service commission pursuant to chapter 31 and other applicable statutes and regulations are hereby transferred to and vested in the said office. The

agencies specified in this section shall have no separate existence apart from the office of administrative hearings. Commencing with the effective date hereof, all cases heard pursuant to this paragraph shall be subject solely to the provisions and procedures set out in this chapter and all cases pending before the agencies prior to the effective date of this act shall be transferred for hearing to the office.

(c)(1) The office shall be under the general supervision and direction of a chief administrative law judge who shall be an attorney-at-law of the commonwealth for no less than six years and who shall otherwise be suited for the position by virtue of his experience. The chief administrative law judge will be appointed by the governor for a term of six years and shall be eligible for reappointment.

(2) In addition to other duties the chief administrative law judge shall:

(i) protect and ensure the decisional independence of each mediator, hearing officer and administrative law judge;

(ii) adopt a suitable code of conduct, and monitor the quality of all alternative dispute resolution and administrative hearings conducted by the office;

(iii) initiate proceedings for the removal of any mediator, hearing officer or any administrative law judge on grounds that shall include misconduct, material neglect of duty, inability to perform required duties, or incompetence in the conduct of office;

(iv) promulgate rules for reasonable sanctions, including the assessment of fines, costs and attorney's fees which may be imposed on a party, an attorney, or other representative of a party who, without just excuse, fails to comply with any procedural order or with any standard or rule applying to a contested case, or exhibits misconduct that obstructs or tends to obstruct the conduct of any contested case;

(v) promulgate rules to insure an appropriate level of confidentiality in administrative hearings as may be warranted by extraordinary circumstances; and

(vi) promulgate such rules of procedure as required to implement the provisions of this chapter.

(3) There will be an executive director who shall be the administrative head of the office. In consultation with the director, chief

hearing officer and chief administrative law judge, as appropriate, and except as otherwise provided herein, the executive director shall:

(i) administer and cause the work of the office to be performed in such manner and pursuant to such programs as may be appropriate;

(ii) organize the office and establish such administrative units as may be required or appropriate;

(iii) hire, assign and reassign administrative and support personnel within the office;

(iv) enter into contracts on behalf of the office;

(v) establish training programs and continuing education for mediators, hearing officers, and administrative law judges;

(vi) establish a schedule of fees and chargebacks for entry and other purposes as well as criteria under which a claimant may seek the waiver of fees predicated upon hardship;

(vii) establish criteria upon which to perform an annual review of each mediator, hearing officer and administrative law judge; and

(viii) to the extent not otherwise provided herein, prescribe such time standards as needed to assure prompt hearing and resolution of all pending matters.

(d)(1) There shall be within the office: (a) a division of alternative dispute resolution under the supervision of a director; (b) a division of hearing officers under the supervision of a chief hearing officer; and (c) a division of administrative law appeals, under the supervision of a chief administrative law judge, that will sit as a board of appeals as provided herein.

(2) Unless otherwise specified, mediators, hearing officers and administrative law judges of the agencies to which this chapter is made applicable, shall become employees of the office of administrative hearings.

(3) There shall be within the office, a division of alternative dispute resolution under the supervision of a director who shall be appointed by the secretary for administration and finance with the approval of the governor to a term of six years, and who shall be eligible for reappointment. The director shall be a person who is suited for the position by virtue of education and experience. Any vacancy shall be filled for the unexpired term in the same manner

as the original appointment. The director shall appoint such mediators as may be necessary to carry out the duties and functions of the division. Said division shall seek to resolve by means of mediation all disputes in advance of any administrative hearing, and shall perform such other duties as the chief administrative law judge may from time to time propose. Parties to contested matters filed with the office shall be required to participate in alternative dispute resolution proceedings prior to hearing; provided however, that an option shall be provided by rule, to forego such alternative dispute resolution proceedings where not permitted by collective bargaining agreements or otherwise.

(4) There shall be within the office, a division of hearing officers under the supervision of a chief hearing officer who shall be appointed by the secretary for administration and finance with the approval of the governor to a term of four years and who shall be eligible for reappointment. The chief hearing officer shall be a person who is suited for the position by virtue of education and experience. Any vacancy shall be filled for the unexpired term in the same manner as the original appointment. All contested hearings shall be conducted by hearing officers who shall be appointed by the chief administrative law judge in consultation with the chief hearing officer, and who shall be persons suited for the position by virtue of education and experience. The said hearing officers shall conduct hearings in accordance with this chapter and shall have the following additional authority in connection with contested administrative hearings:

(i) to administer oaths to any and all persons;

(ii) to compel by subpoena the attendance of witnesses and the production of books, records, accounts, papers, and documents of any person or persons;

(iii) to entertain objections to subpoenas;

(iv) to rule upon objections to subpoenasexcept, that an order of any hearing officer may be reviewed by a three member board of administrative appeals before the completion of the contested case in accordance with procedural rules adopted by the chief administrative law judge; and

(v) to examine an individual under oath.

(5) There shall be within the office a division of administrative law appeals whose associate administrative law judges shall be

attorneys-at-law of the commonwealth for no less than 5 years and who shall otherwise suited for their positions by virtue of their experience. The said associate members shall appointed by the secretary for administration and finance with the approval of the governor for terms of six years and shall be eligible for reappointment. Any vacancy shall be filled for the unexpired term in the same manner as the original appointment. The division shall consist of a chief administrative law judge and associate administrative law judges who shall serve on three-member panels, as shall be designated by the chief administrative law judge, to hear appeals from the division of hearing officers.

(6) Contested hearings hereunder shall be conducted by a designated hearing officer pursuant to such rules of procedure as the chief administrative judge shall cause to be made and promulgated. The parties shall not be bound by the rules of evidence. All relevant evidence shall be admissible, except as otherwise provided herein. The hearing officer may in his discretion exclude any evidence if he determines that its probative value is substantially outweighed by the risk that its admission, will either necessitate undue consumption of time, or create substantial danger of undue prejudice or confusion. The hearing officer will give effect to the rules of privilege recognized by law. Any party in a contested case may present his case by oral or documentary evidence, submit rebuttal evidence and conduct such cross examination as may be required in the discretion of the hearing officer, for a full and true disclosure of the facts.

(7) A board of appeals consisting of three administrative law judges shall convene as soon as may be practicable to hear the appeal from the division of hearing officers. The board shall affirm the decision of the hearing officer unless it finds after consideration that such decision is clearly erroneous based upon all the evidence and relevant law.

(8) The Superior Court shall have jurisdiction of appeals from the board of appeals in all matters in which the amount claimed exceeds $25,000 in accordance with chapter 30A. The District Court shall have jurisdiction of appeals from the board of appeals in all matters in which the amount claimed is $25,000 or less. Appeals to the District Court shall proceed in the same manner as appeals in the Superior Court under chapter 30A.

(9) The office may provide services on a contract basis to any state, county or local governmental entity, including districts and authorities, to provide alternative dispute resolution services or conduct any hearing not otherwise covered by this chapter. To this end, the executive director may enter into contracts with such entities and they may contract with him. Such services shall be provided pursuant to an established fee schedule developed by the executive director, and updated as circumstances warrant.

(10) Commencing July 1, 2004, this chapter shall be made applicable to each of the following state agencies to the extent that it employs or engages one or more commissioners, hearing officers, administrative law judges or other personnel in the adjudication of contested cases, unless specifically exempted herefrom by executive order:

(i) Department of Employment and Training;

(ii) Department of Education, Bureau of Special Education Appeals;

(iii) Department of Environmental Protection;

(iv) Department of Social Services;

(v) Department of Telecommunications & Energy;

(vi) Department of Youth Services;

(vii) Division of Insurance;

(viii) Division of Medical Assistance;

(ix) Division of Professional Licensure;

(x) Energy Facilities Sitting Board;

(xi) Massachusetts Highway Department.

(11) Except as provided otherwise within this chapter, commencing July 1, 2005 this chapter shall be made applicable to each agency that employs or engages one or more commissioners, hearing officers, administrative law judges, or other personnel in the adjudication of contested cases, unless specifically exempted by executive order.

(12) Initial appointments upon the effective date of this act shall be on a staggered basis as follows:

(i) Director of the Division of Alternative Dispute Resolution, 2 years;

(ii) Chief hearing officer, 3 years; and

(iii) Chief administrative law judge, 4 years; associate administrative law judges, one-third to be appointed to 4 year terms, one-third to 5 year terms and one-third to 6 year terms.

Thereafter, reappointments or new appointments, other than those to fill a vacancy, shall be for 6 year terms; provided, however, that all existing administrative law judges upon the effective date of this act shall continue to serve the remainder of their terms.

### *Executive Office For Commonwealth Development*

Section 6. (a) The executive office for commonwealth development shall serve as the principal agency of the executive department of the government of the commonwealth for the following purposes:

(1) Protecting, improving, and ensuring sustainable development and utilization of the natural and built environment of the commonwealth;

(2) Developing, administering, controlling, and coordinating the environmental, transportation, housing and community development, and energy policies and programs of the commonwealth;

(3) Conducting comprehensive planning and supervising the organization, budgets, and conduct of the affairs of the departments, divisions, bureaus, offices, commissions, offices, boards, institutions, and other agencies or administrative units within the executive office for commonwealth development; and

(4) Developing new policies and programs, which will improve the organization, structure, functions, economy, efficiency, procedures, and services of all such departments, divisions, bureaus, offices, commissions, offices, boards, institutions, and other agencies or administrative units within the executive office for commonwealth development.

(b) The secretary of commonwealth development shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the executive office for commonwealth development and to the departments, divisions, bureaus, offices, commissions, offices, boards, institutions, and other agencies or other administrative units under the said office. He shall be the executive and administrative head of said office and every department, division, bureau, office, and other agency or other administrative unit within said executive office shall be under his control and supervision. The secretary shall act as the executive officer of the governor in all matters pertaining to the financial, administrative, planning, management, and policy coordinating functions and affairs of the departments, commissions, offices, boards, divisions, institutions and other agencies within the executive office for commonwealth development.

(c) The executive office for commonwealth development shall include: (1) an office of energy; (2) an office of sustainable development; (3) a department of the environment; (4) a department of transportation; and (5) a department of housing and community development.

The secretary also may from time to time establish within the executive office such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the office. When necessary for the efficient and economical administration of the work of the executive office, the secretary may abolish or merge any such bureau, section or other unit that is not otherwise established by statute.

The secretary shall prepare and keep current a general statement of the organization of the executive office, of the assignment of functions to its various administrative units, officials and employees, and of the established places at which and methods whereby the public may secure information or make requests, such statement to be known as the executive office's "description of organization." He shall file with the state secretary an attested copy of such description and of each amendment thereto.

Section 6A. (a) The executive office for commonwealth development shall include an office of energy for the purpose of developing, administering, financing, and promoting programs relating to energy security and reliability, energy emergencies, energy conservation and efficiency, climate change and protection, sustainable economic growth, alternative energy development, utility restructuring and the development of competitive energy markets, collection and analysis of price, inventory, product delivery and power source data, energy planning and education, and energy procurement. The office of energy shall coordinate its policies and programs with those of the other departments and offices of the executive office for commonwealth development and in a manner consistent with the overall mission of said executive office.

(b) The office shall be under the direction of a commissioner appointed by the secretary of commonwealth development, with the approval of the governor, and may, with like approval, be removed. The commissioner shall not be subject to the provisions of sections 9A of chapter 30 or chapter 31.

(c) Except as provided in this Act, the office of energy and its appropriate administrative units shall have the powers and duties as set forth in sections 19 and 20 of chapter 25, chapter 25A, chapter 25B, clause 33 of paragraph (b) of section 1 of chapter 30B, Section 4E of chapter 40J, sections 1F and 134 of chapter 164 of the General Laws, and sections 2-1, 2-3, 2-6, 2-7, and 2-8 of chapter 164 appendix to the General Laws.

(d) The office of energy shall establish divisions including, but not limited to, the following: (1) energy resources; (2) climate change prevention; and (3) fuel purchasing.

(d)(1) The office of energy shall include a division of energy resources for the purpose of overseeing such matters as the commissioner may so assign, including but not limited to: energy reliability and emergency planning; power supply infrastructure; energy market development; and renewable energy development.

(2) The office of energy shall include a division of climate change prevention for the purpose of overseeing programs and policies as the commissioner may so assign, including but not limited to: energy efficiency programs; building and appliance codes; alternative vehicles and fuels; and transportation infrastructure.

(3) The office of energy shall include a division of fuel purchasing for the purpose of acquiring, securing or otherwise obtaining electricity, natural gas, renewable fuels, and heating oil and providing technical assistance to other state agencies, offices, departments, and public agencies, as defined in chapter 11C of chapter 25A of the General Laws, for such acquisitions. Said acquisitions may include other sources of energy and energy technologies as the commissioner may so determine.

(e) Wherever the name division of energy resources appears in any general or special law or in any order, rule or regulation or other such document related to the exercise of such powers, or the performance of such duties, or to such custody and control as are vested in that division, such name shall mean and shall be construed as referring to the office of energy.

(f) There shall be in the executive office for commonwealth development an office of sustainable development, which shall supervise, guide and coordinate the offices of sustainable development in the departments of environment, housing and community development, and transportation, and shall work in close cooperation with other relevant state and federal agencies to protect, improve and ensure sustainable development and utilization of the natural and built environment. The office of sustainable development shall be under the direction of a director or other staff officer who shall be appointed by the secretary of the executive office for commonwealth development and who shall be subject to the direction, control and supervision of the secretary or his delegate. The staff officer in charge of the office shall be a person of skill and experience in the field of planning, community development or environmental quality and shall be appointed and may be removed by the secretary. The position of such staff officer shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such staff officer shall devote his full time during business hours to the duties of his office.

Section 6B. (a) The department of the environment shall serve as the principal agency of the commonwealth for the following purposes: (1) developing, coordinating, administering and carrying out state environmental policy; (2) protecting, improving, and ensuring sustainable development and utilization of the natural and built environment of the commonwealth; (3) conducting comprehensive planning and supervising the organization and conduct of affairs of the offices and divisions within the department; (4) coordinating and improving the activities and programs of the offices and divisions within the department; and (5) otherwise administering and carrying out the purposes enumerated in sections 2, 3 and 4 of chapter 21A.

For the purposes of sections 6B through 6H, “the department” shall mean the department of the environment, and secretary shall mean secretary for the environment.

(b) Except as provided in this Act, the department shall continue to have the powers and duties established for the executive office of environmental affairs under chapter 21A of the General Laws and as otherwise provided by law. The secretary shall be the chair of the board of the Massachusetts Water Resources Authority under applicable statutes concerning said authority, including but not limited to chapter 372 of the acts of 1984.

(c) The department of the environment will be under the direction of a secretary. The secretary shall be appointed and may be removed by the governor and shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. The duties given to the secretary in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of the executive office for commonwealth development. The secretary shall be a person of skill and experience in the area of administration and environmental affairs and shall devote his full time during business hours to the duties of his office. The secretary shall receive such salary as the governor shall determine. The secretary shall be the executive and administrative head of the department of environment and every division, bureau, section and other administrative unit and agency within said office shall be under the control and supervision of said secretary. Said secretary shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the department of the environment or to any division, office, bureau, or other administrative unit or agency within said office. The secretary shall be responsible for administering and enforcing the provisions of law relative to the department and to each administrative unit thereof; provided, however, that the secretary may authorize any staff officer of the department to exercise in his name any power or to discharge any duty assigned to him by law, and may at any time revoke such authority. The secretary shall exercise the powers and duties generally described under chapter 21A of the General Laws, specifically including, without limitation:

(c)(1) the role relative to the water resources commission established under section 8A of Chapter 21A;

(2) implementation of the Massachusetts environmental policy act under section 61 to 62H of chapter 30;

(3) the role relative to the board of registration of hazardous waste site cleanup professionals established under section 19A of Chapter 21A;

(4) approval of conservation restrictions under section 32 of chapter 184;

(5) approval of environmental joint powers agreements under section 20 of chapter 21A;

(6) implementation of the coastal zone management program under Section 4A of chapter 21A;

(7) implementation of geographic information systems under Section 4B of chapter 21A;

(8) the role relative to nature preserves as described in sections 10A, 10B and 10C of chapter 131;

(9) the role relative to the coastal facilities improvement program under chapter 21F;

(10) the role relative to the administrative council on toxics use reduction under chapter 21I;

(11) the role relative to the watershed preservation restriction program referenced in section 7 of chapter 28;

(12) administration of the Self-Help program under section 11 of chapter 132A;

(13) administration of the Conservation Partnership Grant program under section 11A½ of chapter 132A;

(14) the role relative to agricultural preservation restrictions as described in sections 11A and 11B of chapter 132A;

(15) the role relative to pesticide use reporting described in section 7A of chapter 132B;

(16) appointment the state geologist under section 7A of chapter 21A;

(17) carry out those functions under chapter 21D formerly administered by the hazardous waste facility siting council;

(18) designation of densely developed areas under Section 40 of chapter 131;

(19) establishment of agricultural criteria for use by the division of capital assets under Section 40A of chapter 7;

(20) the role relative to the school building advisory board under section 3A of chapter 70B;

(21) the role relative to the youth conservation and service corps under section 2 of chapter 78;

(22) the role relative to the administration of the bottle bill, so called, as described in section 326 of chapter 94;

(23) the role relative to designation of significant habitat under chapter 131A;

(24) the role relative to enforcement of section 39A of chapter 131;

(25) approval of procedures for de-icing roads under section 107A of chapter 92;

(26) the role relative to the landfill conversion program described in section 3 of chapter 21H;

Section 6C. (a) The department shall include the following offices: (1) an office of coastal zone management; (2) the Massachusetts environmental policy act office; (3) the Massachusetts environmental trust; (4) the office of geographic and environmental information; (5) the board of underwater archaeological resources; (6) the office of land acquisition and protection; (7) an office of community preservation and sustainable development; and (8) an office of public-private partnerships. Each office shall be under the direction of a director who shall be appointed, and may be removed by the secretary, and who, except as otherwise provided by law, shall not be subject to the provisions of section 9A of chapter 30 or chapter 31.

(b) The department shall include the following divisions: (1) a division of environmental protection as provided in Section 6E; (2) a division of conservation and recreation as provided in Section 6F; (3) the division of agricultural resources as provided in Section 6G; and, (4) a division of fisheries, wildlife and environmental law enforcement as provided in Section 6H. Each division shall be under the direction of a commissioner who shall be appointed by the secretary, and may be removed by the secretary, with the approval of the secretary of commonwealth development, with the responsibilities provided in sections 6E, 6F, 6G and 6H and as provided by law. Except as otherwise provided by law, such commissioners shall not be subject to the provisions of section 9A of chapter 30 or chapter 31.

(c) The secretary also may from time to time establish within the department such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the secretary may abolish or merge any such bureau, section or other unit that is not otherwise established by statute.

(d)(1) Wherever in the general or special laws there may be reference to the executive office of environmental affairs such reference shall be given legal effect for all purposes as a reference to the department of the environment. Wherever in general or special laws there may be reference to the secretary of environmental affairs such reference shall be given legal effect for all purposes as a reference to the secretary for the environment.

(2) Wherever in the general or special laws there may be reference to the department of environmental protection such reference shall be given legal effect for all purposes as a reference to the division of environmental protection. Wherever in general or special laws there may be a reference to the commissioner of the department of environmental protection such reference shall be given legal effect for all purposes as the commissioner of the division of environmental protection.

(3) Wherever in general or special laws there may be reference to the metropolitan district commission or the department of environmental management, such reference shall be given legal effect for all purposes as a reference to the division of conservation and recreation. In addition, the following or equivalent words shall refer to the division of conservation and recreation, division of forests and parks, bureaus of forest, fire control, forestry and recreation, division of water resources, division of waterways and division of conservation services. Wherever in general or special laws there may be a reference to the commissioner of the metropolitan district commission or the commissioner of the department of environmental management, such reference shall be given legal effect for all purposes as a reference to the commissioner of the division of conservation and recreation.

(4) Wherever in general or special laws there may be a reference to the department of food and agriculture such reference shall be given legal effect for all purposes as a reference to the division of agricultural resources. Where ever in general or special laws there may be reference to the commissioner of the department food and agriculture such reference shall be given legal effect for all purposes as a reference to the commissioner of agricultural resources.

(5) Wherever in general or special laws there may be reference to the department of fisheries, wildlife and environmental law enforcement such reference shall be given legal effect for all purposes as a reference to the division of fisheries, wildlife and envi-

ronmental law enforcement. Wherever in general or special laws there may be reference to the commissioner of the department of fisheries, wildlife and environmental law enforcement such reference shall be given legal effect for all purposes as a reference to the commissioner of the division of fisheries, wildlife and environmental law enforcement.

Section 6D. (a) The office of coastal zone management within the department shall have the purpose of implementing the coastal zone management program, including the Federal Coastal Zone Management Act as described in Section 4A of chapter 21A of the General Laws; implementing the coastal facilities improvement program as provided in chapter 21F of the General Laws; implementing the waterways program as provided at chapter 91 of the General Laws, except as a assigned to the former department of environmental management as provided in said chapter 91; and otherwise developing and implementing statewide policies for the effective and appropriate management and utilization of coastal resources. The director shall be a qualified person with skill and experience in the field of coastal zone management.

(a)(1) Any function, right, power, duty or other statutory provision that concerns public trust rights or chapter 91 of the General Laws which prior to the effective date of this act was assigned to, exercised by or performed by the department of environmental protection shall be deemed assigned to, exercised by or performed by the office of coastal zone management. All books, papers, records, property, documents, and equipment related thereto, which immediately prior to the effective date of this act was in the custody of the department of environmental protection are hereby transferred to the office of coastal zone management. All existing contracts, excluding leases for office space, memoranda of understanding, and other obligations of the waterways program of the former department of environmental division which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said office. In addition to any other power or authority under chapter 91 of the General Laws or otherwise, the office of coastal zone management may issue enforcement orders requiring compliance with said chapter 91 and/or may assess a civil administrative penalty on any person, as defined in section 16 of chapter 21A of the General Laws, that fails to comply with any provision of any regulation, order, license or approval issued or adopted by said office under or in furtherance of said chapter 91; provided that said civil administrative penalty, including judicial review thereof, shall be assessed and collected, including all costs and interest and attorney's fees, in accordance with the provisions of section 16 of chapter 21A by said office, as if the department for the purposes of said section.

(2) The secretary of the commonwealth shall move and reclassify, without further notice or hearing, the waterways regulations, 310 CMR 9.00 of the Code of Massachusetts Regulations, to 301 CMR 9.00. All orders, rules, said waterways regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established under the waterways program of the department of environmental protection shall continue in effect as if established or granted by the office of coastal zone management unless or until amended, modified, suspended, or revoked by said office. Until such time that the office of coastal zone management may choose to amend said waterways regulations in accordance with chapter 30A of the General Laws, the term "commissioner" as defined in said waterways regulations shall mean the director of the office of coastal zone management, and the term "department" shall mean the office of coastal zone management.

(3) The office of coastal zone management and the division of environmental protection may develop and jointly issue a consolidated application form to be used by said office to receive an application for a new or amended license or permit for a small water dependant structure, as determined by said office, under chapter 91 of the General Laws, and to be used also by said division, cities and towns to receive notice of a related proposed activity under section 40 of chapter 131 of the General Laws.

(4) Nothing in this Act is intended to repeal or modify or adversely effect any Municipal Harbor Plan review or approval by the former secretary of environmental affairs or Designated Port Area reviews and decisions, whether concerning initial delineations or boundary reviews, by the director of the office of coastal zone management made prior to the effective date of this Act. The regulatory authority of said secretary and said director relative to the Municipal Harbor Plan and Designated Port Area

programs and said reviews, approvals and decisions is hereby ratified and affirmed, except however that authority for Municipal Harbor Plan review and approval is hereby assigned to and shall be exercised by the director of the office of coastal zone management.

(b) The Massachusetts environmental policy act office within the department shall have the purpose of implementing sections 61 to 62H of chapter 30 of the General Laws. The director shall be a person of skill and experience in administration and planning.

(c) The Massachusetts environmental trust within the department shall implement the purposes of section 7 of chapter 236 of the Acts of 1988, as amended. The director shall be a person of skill and experience in the field of grant making and outreach. All expenditures from the Trust Fund shall be made at the direction of the secretary of the environment. The secretary may adopt operating rules and procedures for Trust Fund and associated activities.

(d)(1) The office of land acquisition and protection within the department shall oversee, on behalf of and at the request of a division within the department, the acquisition of interests in land for the purposes of conservation and recreation, protect agricultural, natural and cultural resources of the commonwealth, provide habitat for native flora and fauna, and protect water supplies, river and stream corridors. Such oversight may include review of appraisals, title reports, environmental site assessments, and coordinate due diligence. The office is authorized to use and integrate the land acquisition procedures and processes of the former department of environmental management, metropolitan district commission, and department of fisheries, wildlife, and environmental law enforcement, including its division of fisheries and wildlife, to take or to acquire lands or interests in lands for any of these purposes. The office of land acquisition and protection shall administer all programs within the division of conservation services, including the powers and authorities set forth in sections 18 of chapter 21, sections 11 and 11A½ of chapter 132A, chapter 933 of the acts of 1977, and the Federal Land and Water Conservation Fund.

(2) The office shall be administered by a director who shall be a person of skill and experience in matters of land and conveyances.

(e) The office of geographic and environmental information within the department shall have the purpose of implementing Section 4B of chapter 21A. The office may also be known and referred to as "MassGIS." The director shall be a person of skill and experience in the field of geographic information.

(f) The board of underwater archaeological resources within the department shall have the purpose of implementing sections 179 and 180 of chapter 6. The director shall be a person of training and experience to carry out the duties of the board.

(g)(1) The office of community preservation and sustainable development shall work in close cooperation with the executive office for commonwealth development and the departments of housing and community development and transportation and other relevant state and federal agencies to protect, improve and ensure sustainable development and utilization of the natural and built environment.

(2) The office of community preservation and sustainable development shall be under the direction of a director or other staff officer who shall be appointed by the secretary and who shall be subject to the direction, control and supervision of the secretary or his delegate. The staff officer in charge of the office shall be a person of skill and experience in the field of planning, community development or environmental quality.

(h) The office of public-private partnerships shall promote and develop partnerships with private, public, non-profit and other entities that share a common purpose with the department that will enhance the missions of the department and it's divisions through professional stewardship.

Section 6E. (a) The department of the environment shall include a division of environmental protection for the purpose of promoting and protecting the constitutional rights of the citizens of the Commonwealth to clean air, clean water and the natural, scenic, historic and aesthetic qualities of the environment; promoting pollution prevention and minimization by assuring the safe management and disposal of solid and hazardous wastes; ensuring timely cleanup of hazardous waste spills; and protecting and enhancing the Commonwealth's wetlands and coastal resources.

(b) The division of environmental protection shall be headed by a commissioner who shall be appointed and may be removed by the secretary of the department of the environment with the approval of the secretary of commonwealth development without regard to the provisions of section 9A of chapter 30 or chapter 31. The commissioner shall be a person of experience in the field of environmental protection. The commissioner shall exercise all powers and responsibilities, including serving as a designated representative on specific boards and commissions, previously exercised by the commissioner of the department of environmental protection. The commissioner may designate deputy commissioners, and acting deputy commissioners during the absence or disability of a deputy commissioner, and such other officers as he deems appropriate, who shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such deputy and acting deputy commissioners shall have the powers and authorities set forth at section 7 of chapter 21A, section 3D of chapter 21;

(c) Except as otherwise provided in this act, the division shall continue to have the powers and duties granted to the department of environmental protection and the division of water pollution control for the protection of water resources, environmental health, air pollution control, water pollution control, noise regulation, community sanitation, water supply and water quality, waste management, hazardous waste management and sanitary landfills, including, but not limited to, the following powers and duties to:

(c)(1) promulgate regulations as provided at sections 7 and 8 of chapter 21A;

(2) authorize solid waste disposal, study solid waste disposal needs, assess costs of operating regional solid waste disposal districts, and dispose of funds received as provided at sections 18 through 24 of chapter 16;

(3) implement the Massachusetts Clean Waters Act as provided at sections 26 through 53 of chapter 21;

(4) implement the state environmental code as provided at section 13 of chapter 21A;

(5) implement the administrative penalties act as provided at section 16 of chapter 21A;

(6) establish fees as provided at section 18 of chapter 21A;

(7) implement the federal safe drinking water act assessment as provided at section 18A of chapter 21A:

(8) implement the Massachusetts hazardous waste management act as provided at chapter 21C;

(9) implement the Massachusetts oil and hazardous material release prevention and response act as provided at chapter 21E;

(10) implement the water management act as provided at chapter 21G;

(11) implement the requirements and provide assistance relating to solid waste facilities as provided at chapter 21H;

(12) approve, advise and consult with municipalities and districts for the purpose of establishing, maintaining and protecting water supplies and lands necessary to preserve water supplies as provided in sections 15B, 38, 39B, 39C 41, 41A of chapter 40;

(13) approve sewage connections, water treatment facilities, sewage disposal works, and construction of sewers as provided at sections 1, 6 of chapter 83;

(14) prevent nuisance conditions from the treatment, purification and disposal of sewage as provided at section 7 of chapter 83;

(15) protect public health as provided in the following sections of chapter 111:

(i) declare air pollution emergencies as provided at section 2B;

(ii) enforce statutes, rules and regulations relative to pollution as provided at section 2C;

(iii) issue licenses for application of chemicals to control aquatic nuisances as provided at section 5E;

(iv) control algae, weeds and aquatic nuisances as provided at section 5F;

(v) order installation of water supply treatment facilities as provided at section 5G;

(vi) advise municipalities and others as to waters supply, drainage, disposal of sewage as provided at section 17;

(vii) approve local health regulations regarding atmospheric pollution as provided at section 31C;

(viii) approve facilities for septage disposal as provided at section 31D;

(ix) implement the air pollution control statutes as provided at sections 142A – 142N;

(x) advise municipalities regarding siting noisome trades as provided at section 143;

(xi) implement the provisions regarding refuse treatment and disposal facilities and assignment of sites as provided at section 150A;

(xii) establish site suitability standards and criteria, promulgate rules and regulations and provide advice, guidance and technical assistance as provided at section 150A½;

(xiii) implement the provisions for assignment of sites for hazardous waste facilities as provided at section 150B;

(xiv) supervise and provide general oversight and care of inland waters as provided at section 159;

(xv) examine and secure the sanitary protection of water supplies, promulgate rules and administer penalties as provided at section 160;

(xvi) regulate cross connections between public water supplies and other supplies as provided at section 160A;

(xvii) report violations of water quality standards or regulations as provided at section 160B;

(xviii) issue orders regarding pollution of waters, removal of causes of pollution; damages; and penalties as provided at section 162;

(xix) enter on premises to ascertain whether pollution or danger to water supplies exist as provided at section 165;

(xx) implement the provisions of and issue orders to protect the Charles river as provided at section 175;

(16) implement the requirements for hazardous substances disclosure by employers under chapter 111F;

(17) approve plans for burials and entertain appeals from Boards of Health to DEP as provided in sections 35 and 36 of chapter 114;

(18) protect coastal and inland wetlands as provided at Section 40 of chapter 131;

(19) issue orders protecting inland waters as provided at Section 40A of chapter 131;

(20) measure ponds as provided at Section 46 of chapter 131;

(21) oversee, inspect and approve plans for water supplies and sanitation facilities at mobile home parks as provided in sections 32B and 32H of chapter 140;

(22) advise water and aqueduct companies regarding water supplies and the taking and purchasing of water rights as provided at sections 4B of chapter 165; and

(23) provide assistance to the department of telecommunications and energy as provided at section 6 of chapter 165;

(24) implement portions of the bottle bill, so called, as described in section 326 of chapter 94.

(25) administer the underground storage tank petroleum product cleanup fund, so called, as described in chapter 21J and section 37A of chapter 148.

(26) enforce the provisions of chapter 85 section 7A regarding the storage of sodium chloride and other chemically treated abrasives.

(d) In addition to the powers and duties granted to the department of environmental protection and the director of the division of water pollution control, the division shall have the powers and duties granted to the office of toxics use reduction assistance and technology of section 7 of chapter 21I, which shall be established within the division of environmental protection.

(e) Unless otherwise provided, the provisions of this section shall not limit or restrict any existing authority of the former department of environmental protection, which shall be exercised by the division of environmental protection. All of the bureaus, offices or other organizational units established herein shall coordinate in evaluating the effects of their programs and activities so as to improve the quality of the environment in the commonwealth and insure clean air, clean water and land.

Section 6F. (a) The department for the environment shall include a division of conservation and recreation for the purpose of conserving natural and cultural resources through professional stewardship, connecting people to these resources through recreation and environmental education, and cooperating and partnering with others who share this common purpose.

(b) The division of conservation and recreation shall be under a commissioner, who shall exercise supervision, direction and control over all lands and bureaus of the division. The commission of the division of conservation and recreation shall have the powers and authorities previously held by the commissioner of the department of environmental management and the commissioner of the metropolitan district commission, including but not limited, to those set forth in sections 2-2F and 3 of chapter 21 and sections 1 and 3 of chapter 28, except as otherwise provided herein. The commissioner shall be appointed and may be removed by the secretary for the environment, with the approval of the secretary of commonwealth development without regard to the provisions of section 9A of chapter 30 or chapter 31. The commissioner shall have powers and authorities to do the following:

(b)(1) designate deputy commissioners, and acting deputy commissioners during the absence or disability of a deputy commissioner, and such other officers as he deems appropriate,who shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such deputy and acting deputy commissioners shall have the powersand authorities set forth at section 7 of chapter 21A.

(2) acquire, plan, construct, maintain and operate public recreational facilities, including areas for parking and roads, picnicking and camping, provisions for swimming, wading, boating, outdoor games, winter sports, ice skating, horseback riding, bicycling and hiking trails, nature study, rest areas, outlooks, comfort stations, food accommodations and such other facilities as the director deems necessary and desirable, including the powers and authorities set forth at sections 2-3 of chapter 132A and section 33 of chapter 92;

(3) lay out, construct and maintain trails or paths through state parks, forests, and reservations and leading to important mountains, and other objects and places of special interest or beauty, and post such trails or paths, including the powers and authorities set forth at section 38 of chapter 132 and section 33 of chapter 92;

(4) receive and hold in trust on behalf of the commonwealth such bequests, restitution or gifts of money, equipment, or land in the conservation trust established pursuant to section 1 of chapter 132A and the metropolitan parks trust fund established pursuant to section 34 of chapter 92;

(5) authorize special revocable permits with such conditions as the commissioner may prescribe to use portions of state lands not interfering with public use, including the powers and authorities set forth at section 38 of chapter 132 and section 74A of chapter 92; and

(6) promulgate rules and regulations for the governing and use of all lands and property under the control of the division,

including all roads and highways wholly or in part within the boundaries of such property, including the powers and authorities set forth at section 34 of chapter 132 and sections 37-39 and 41 of chapter 92.

(c) The division of conservation and recreation shall have a stewardship council that will include the membership selection requirements, including statewide geographic distribution criteria, and powers and authorities of the former board of environmental management as set forth at sections 2, 2A-2E and 3A-3D of chapter 21, except that there shall be an additional six members, for a total of thirteen members, with five from the district of the former metropolitan district commission and two at-large members. The commissioner of conservation and recreation shall request nominees for one member of the stewardship council as provided in section 2A of chapter 21. The commissioner of conservation and recreation shall request nominees for one member of the stewardship council as provided in section 2A of chapter 21. In addition, the director of the division of conservation and recreation shall request nominees from non-profit entities located in the district of the former metropolitan district commission for one member on the stewardship council. The provisions within sections 1-4 of chapter 28 concerning the commission of the former metropolitan district commission are hereby repealed.

(d) The division of conservation and recreation shall have all powers and authorities previously held by the department of environmental management, the metropolitan district commission, and each division, bureau or other office therein, except as otherwise provided herein, including but not limited to the following powers and authorities.

(1) The division of conservation and recreation shall have powers and authorities previously held by the department of environmental management, except as otherwise provided herein, including but not limited to the following:

(i) to provide general care and oversight of the natural resources of the commonwealth and its adjacent waters as defined in section 1 of chapter 21;

(ii) to care, maintain, plan, construct, and operate state parks, forests, reservations, and recreational facilities, including the powers and authorities set forth at sections 2 and 2A of chapter 132A;

(iii) to provide care and oversight of areas of scenic or historic significance as may from time to time be committed to it, including the powers and authorities set forth at section 1 of chapter 21;

(iv) to promulgate rules and regulations governing the use of all lands, property and facilities under the control of the division, including all roads and highways wholly or in part within the boundaries of such property, including rules and regulations relative to hunting and fishing within such boundaries not inconsistent with the laws protecting such species, including the powers and authorities set forth at section 34 of chapter 132 and 7 section of chapter 132A;

(v) to impose and collect such charges and fees for the use of lands, buildings, facilities, and equipment as may be necessary to defray, in so far as practicable, the cost of such development, maintenance and improvements, under the care, custody and control of the division of conservation and recreation, including the powers and authorities set forth at section 2D of chapter 132A, section 10 of chapter 132A, and section 2EE of chapter 29;

(vi) to acquire for the commonwealth, by eminent domain under chapter 79 or by purchase, lease or otherwise, any lands, or interests therein, suitable for the purposes of conservation and recreation, protection of natural or cultural resources, protection of habitat or water supply, and to administer funds for open space acquisition, including the powers and authorities set forth at section 2A, 3 and 3A of chapter 132A, section 2HHH of chapter 29 and section 2 of chapter 438 of the acts of 2002, provided however, that acquisition of an interest in land and associated activities shall be overseen by the office of land acquisition and protection within the department as described in section 4D(d)(1) of this chapter;

(vii) to dispose, sell or exchange lands, conservation restrictions and easements no longer needed for conservation and recreation purposes, pursuant to the powers and authorities set forth at section 3 of chapter 132A, subject to the applicable requirements of Section 40F of chapter 7 and Article XCVII of the Amendments to the Constitution;

(viii) to perform forest management practices on lands under the care, custody and control of the division, sell timber products from lands under the control of the division, perform shade tree management, pest management, and forest fire control, including the powers and authorities set forth at Section 4B and 4F of chapter 21 and sections 1-39, and the appendix of chapter 132, section 17C of chapter 58;

(ix) to provide park ranger services to the lands of the division and to the public, including the powers and authorities set forth in sections 4A and 6F-6F ½ of chapter 21, section 7 of chapter 132A, and section 16 of chapter 270;

(x) to perform the functions of the division of water resources, the division of waterways, and the office of dam safety of the former department of environmental management, including the powers and authorities set forth in section sections 8-15, section 37A-D of chapter 21; sections 2-10, 10A ½, 11, 18A, 25, 27, 29, 29A, 31-33, 36-43, 45-50 of chapter 91; sections 44-47 of chapter 253, section 2FFF of chapter 29, sections 1-2 of chapter 330 of the acts of 2002, except that responsibilities for shipwrecks and abandoned vessels shall be transferred to the office of coastal zone management, responsibilities for ocean sanctuaries shall be transferred to the office of coastal zone management; responsibilities for appeals of algaecide licenses shall be transferred to the division of environmental protection, responsibilities for well driller registration shall be transferred to the division of professional licensure within the office of consumer affairs and business regulation.

(xi) to administer the historic curatorship program pursuant to Section 44 of chapter 85 of the acts of 1994 and any subsequent amendments thereto;

(xii) to administer the scenic mountains act as provided in as provided in section 39A of chapter 131;

(xiii) to acquire and improve, and maintain for conservation and recreation purposes, certain islands and other property in, under or bordering Boston harbor, including the powers and authorities at chapter 742 of the acts of 1970;

(xiv) to acquire, develop, and assume associated costs of urban heritage state parks, including the powers and authorities set forth at chapter 512 of the acts of 1980;

(xv) to work with the division of capital asset management and maintenance to lease and enter into other agreements for the use, operation, maintenance, repair and improvement of certain skating rinks as provided at section 366 of chapter 159 of the acts of 2000, as amended by section 30 of chapter 88 of the acts of 2001; and

(2) The division of conservation and recreation shall have powers and authorities previously held by the metropolitan district commission, except as otherwise provided herein, including but not limited to the following:

(i) to provide and maintain open space, recreational, cultural, and educational opportunities for inhabitants of Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Dedham, Dover, Everett, Hingham, Hull, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester and Winthrop and to beautify and care for public reservations and facilities within the metropolitan parks district in accordance with section 33 of chapter 92, and such other urban parks and facilities as the commissioner may later determine;

(ii) to direct the use and expenditure of any funds received by bequest or gift subject to the terms of that gift or bequest as deposited in the metropolitan parks trust fund in accordance with section 34 of chapter 92;

(iii) to promulgate regulations for the use, enjoyment, and protection of the properties and facilities within the metropolitan parks district in accordance with sections 37-39 of chapter 92, including the Charles River, the Neponset River, the Mystic River, and any other lake, pond or body of water within the metropolitan parks district;

(iv) to employ rangers to enforce any regulations on property under the care and control of the division and at the state house in accordance with section 34B of chapter 92 and section 9 of chapter 8;

(v) to enter upon any lands within the Commonwealth for the purposes of surveys, soundings, drillings or examinations whenever it is deemed necessary to obtain information for construction of the watershed system, parks, recreational facilities or other projects under its jurisdiction in accordance with section 103 of chapter 92 and its notice requirement;

(vi) to acquire by gift any lands or rights in land on behalf of the Commonwealth within the metropolitan parks district or outside the metropolitan parks district provided such land is contiguous to the metropolitan parks district in accordance with Section 40 of chapter 92, provided, however, that acquisition of an interest in land and associated activities shall be overseen by the office of land acquisition and protection within the department as described in section 4D(d)(1) of this chapter;

(vii) to maintain upon its reservations accommodations for bathing and boating in accordance with Section 41 of chapter 92;

(viii) to permit private parties or municipalities or other state agencies or authorities to lay drains, utility conduits for electrical or telecommunications equipment, or pipelines underneath reservations provided such permits are in line with article 97 of the amendments to the Massachusetts constitution in accordance with Section 42-49 of chapter 92 and to assess fees for such permits;

(ix) to acquire in fee or otherwise by purchase, gift, devise or eminent domain under chapter 79, land or interests in land within the metropolitan parks district for the purposes of recreation, open-space protection, or cultural and historic preservation in accordance with sections 79-80 of chapter 92, provided, however, that acquisition of an interest in land and associated activities shall be overseen by the office of land acquisition and protection within the department as described in section 4D(d)(1) of this chapter;

(x) to enter into agreements for lighting of reservations with any electric light, power or gas company for a period not to exceed ten years in accordance with sections 67-68 of chapter 92;

(xi) to exercise control of the maintenance and operation of the Charles River dam and the Charles River basin as they relate to both flood control and recreational opportunities on the Charles River in accordance with sections 70-71 of chapter 92 and chapter 524 of the acts of 1909;

(xii) to grant licenses to cities and towns, educational groups, clubs and responsible individuals for the construction and rental of recreational facilities along the Charles river in accordance with the provision of section 74A of chapter 92;

(xiii) to grant permits to cities and towns to take water from the Charles river basin for fire protection and for sale to manufacturing establishments for cooling and condensing purposes subject to any required approval of the department of environmental protection in accordance with sections 76A-76E of chapter 92;

(xiv) to abandon, dispose of, sell, transfer care and control of personal and real property of the commonwealth subject to the provisions of article 97 of the amendments to the Massachusetts constitution and chapter 7 of the General Laws in accordance with sections 83-87 of chapter 92;

(xv) to grant permits to landowners with eaves, cornices or ornaments of buildings on property abutting that of the commonwealth extending beyond any line of restriction or setback established for the benefit of the commonwealth or extending onto the property of the commonwealth in accordance with section 95 of chapter 92;

(xvi) to grant permits for the projection of signs, marquees, awnings and other devices over commonwealth property in accordance with section 95A of chapter 92;

(xvii) to prevent any person from gaining any rights by prescription or adverse possession in land or rights in land of the commonwealth in accordance with section 96 of chapter 92;

(xviii) to destroy brown tail moths, gypsy moths and other insect pests on land under its control or on adjoining land up to 1000 feet from its land in accordance with section 101 of chapter 92;

(xix) to construct, maintain and operate a system of watersheds, reservoirs, water rights, and rights in sources of water supply, in order to supply a sufficient supply of pure water to the Massachusetts water resource authority in accordance with section 105 of chapter 92;

(xx) to utilize and conserve waters within watershed areas and other natural resources in order to protect, preserve and enhance the environment of the commonwealth and to assure the availability of pure water for future generations in accordance with section 105 of chapter 92;

(xxi) to have exclusive rights and interest in hydroelectricity developed, generated, transmitted, distributed and sold as an incident to the operation of the watershed system and to lease, license or permit the installation and operation of utility and telecommunications facilities within the watershed system in accordance with section 107 of chapter 92;

(xxii) to prohibit alteration or storage, disposal or discharge of pollutants within areas of the watershed system within four hundred feet of a reservoir or within two hundred feet of a tributary or surface water and other areas within the watershed system with permitted exceptions in accordance with chapter 107A to prevent the degradation of the watershed area;

(xxiii) to promulgate and change rules and regulations regarding the sanitary protection of the watershed system in accordance with section 108 of chapter 92;

(xxiv) to ensure no one takes, diverts, corrupts, renders impure or improperly uses waters of the watershed system in accordance with section 109 of chapter 92;

(xxv) to enforce any laws or regulations promulgated for the protection of the watershed system and the water supply and impose fines for any violation in accordance with sections 110-111 of chapter 92;

(xxvi) to maintain the jurisdiction of the supreme judicial court and the superior court in equity or otherwise to enforce the regulations and prevent any violations in accordance with sections 112 of chapter 92;

(xxvii) to assess the Massachusetts water resource authority for the costs of operating the watershed including amounts for payments in lieu of taxes in accordance with sections 113-113A of chapter 92;

(xxviii) to establish advisory committees for the Quabbin and Wachusett reservoirs to advise the division on policies and regulations concerning fishing, boating and other recreational activities and environmental, wildlife and habitat matter in accordance with sections 114-115 chapter 92;

(xxix) to adopt watershed management plans on a regular basis with public participation in accordance with section 116 of chapter 92;

(xxx) to acquire by purchase or eminent domain under chapter 79 or otherwise, lands in fee, easements, rights and other property necessary for watershed protection in accordance with section 117 of chapter 92, and using funds when necessary and appropriate pursuant to chapter 36 of the acts of 1992, provided, however, that acquisition of an interest in land and associated activities shall be overseen by the office of land acquisition and protection within the department as described in section 6D(d)(1) of this chapter;

(xxxi) to be eligible for grants under the Massachusetts clean water act in accordance with section 118 of chapter 92;

(xxxii) to manage all property under its jurisdiction as it does property within the metropolitan parks district as long as this management is consistent with watershed protection in accordance with section 119 of chapter 92; and

(xxxiii) to acquire, construct and maintain roadways or boulevards within the metropolitan park district in accordance with sections 35-36 of chapter 92 in consultation with the division of parkways within the department of transportation pursuant to any arrangement agreed upon for the maintenance, care, and control of these roadways through memoranda of understanding and pursuant to annual interagency service agreements;

(xxxiv) subject to article 97 of the amendments to the Massachusetts constitution and chapter 7 of the General Laws, enter into leases not to exceed 30 years with private operators for the management and operation of rinks of the former metropolitan district commission.

(3) The division of conservation and recreation shall have powers and authorities previously held by the department of fisheries, wildlife, and environmental law enforcement, to administer the programs of the public access board, including the powers and authority set forth at section 17A of chapter 21 and section 8 of chapter 21A.

Unless otherwise provided, the provisions of this section shall not limit or restrict any existing authority of the former department of environmental management or the former metropolitan district commission, which shall be exercised by the division of conservation and recreation.

(e) The division of conservation and recreation shall include a bureau of parks and recreation management which shall be divided into a number of regions, to be determined by the director and subject to the approval of the secretary. At a minimum, one region shall be the metropolitan parks system region. The division shall include a bureau of watersheds and bureau of planning and engineering, and the following office: office of infrastructure, dams and planning. The commissioner of the division of conservation and recreation may appoint such bureau chiefs as necessary to carry out the work of the bureaus within the division.

(1) The division of conservation and recreation shall include a bureau of parks and recreation management for the purpose of conserving natural and cultural resources, providing residents with safe and affordable recreational, cultural, historical and educational opportunities by maintaining parks, reservations, facilities, and bodies of water within the former metropolitan parks district for use by the general public and managing all parks, state forests, reservations, other lands, programs and facilities under the control of the former department of environmental management.

(2) The division of conservation and recreation shall include a bureau of watershed management for the purpose of administering and managing the lands and programs of the Quabbin and Wachusett watersheds and reservoirs and other watershed lands and waters formerly under the care and control of the division of watershed management of the metropolitan district commission, and to acquire and manage lands and programs to protect watersheds and water supplies, provided, however, that acquisition of an interest in land and associated activities shall be overseen by the office of land acquisition and protection within the department as described in section 6D(d)(1) of this chapter;

(3) The division of conservation and recreation shall include a bureau of planning and engineering for administering all programs of the division of water resources, the division of waterways, and the office of dam safety of the former department of environmental management, and to undertake comprehensive planning, engineering and construction for the activities of the division. The bureau of planning and engineering shall establish, in consultation with the division of public works in the department of transportation, design standards for maintenance, construction of and improvements to historic parkways and roads within the lands of the division, provided that the maintenance, construction of and improvements to such parkways and roads to implement these design standards shall be the responsibility of the highway division.

(f)(1) Wherever the names department of environmental management, metropolitan district commission and metropolitan park commission appear in any general or special law or in any order, rule or regulation or other such document related to the exercise of such powers, or the performance of such duties, or to such custody and control as are vested in those departments, such names shall mean and shall be construed as referring to the division of conservation and recreation.

(2) Any function, right, power, duty or other statutory provision which prior to the effective date of this act, was assigned to, exercised by or performed by the department of environmental management and metropolitan district commission shall be deemed assigned to, exercised by or performed by the division of conservation and recreation.

(3) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the metropolitan district commission and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said commission are hereby transferred to the division of conservation and recreation, and all existing contracts, memoranda of understanding, leases, and other obligations of the metropolitan district commission which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said division, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the metropolitan district commission shall continue in effect as if established or granted by the division of conservation and recreation unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the metropolitan district commission remaining unexpended on the effective date of this act are hereby transferred to the division of conservation and recreation and shall be available for expenditure by said division for the purposes for which such funds were originally appropriated.

(4) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the department of environmental management and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said department are hereby transferred to the division of conservation and recreation and all existing contracts, memoranda of understanding, leases, and other obligations of the department of environmental management which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said division of conservation and recreation, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the department of environmental management shall continue in effect as if established or granted by the division of conservation and recreation unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the department of environmental management remaining unexpended on the effective date of this act are hereby transferred to the division of conservation and recreation and shall be available for expenditure by said division for the purposes for which such funds were originally appropriated.

(5) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the water resource commission of the department of environmental management and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said commission are hereby transferred to the department of conservation and recreation and all existing contracts, memoranda of understanding, leases, and other obligations of the water resource commission of the department of environmental management which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by the department of conservation

and recreation, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the water resource commission of the department of environmental management shall continue in effect as if established or granted by the department of conservation and recreation unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the water resource commission of the department of environmental management remaining unexpended on the effective date of this act are hereby transferred to the department of conservation and recreation and shall be available for expenditure by said department for the purposes for which such funds were originally appropriated.

(6) Notwithstanding any general or special law to the contrary, the division of conservation and recreation is directed to obtain the services of the bureau of parkways of the division of highways for the performance of all maintenance and repair work, including snow and ice control, for all the boulevards, parkways, roads, ways, and bridges, including drawbridges, and appurtenant systems and facilities including traffic signal systems, but excluding roads that the division of conservation and recreation determines are solely internal to a specific park or reservation area, under the care and control of the division of conservation and recreation, which was previously under the care, custody and control of the department of environmental management or the metropolitan district commission, the cost of which maintenance and repair work shall be paid through annual interagency service agreements between the division of conservation and recreation and the division of highways. The division of highways shall enter into a binding memorandum of agreement with the division of conservation and recreation that shall set forth the obligations for performance of maintenance and repair work to the standards and expectations for historic parkways of the division of conservation and recreation.

(7) All maintenance and repair equipment, including equipment used for snow and ice control, of the division of conservation and recreation, which was previously in the care, custody and control of the department of environmental management or the metropolitan district commission, and used solely for maintaining and

repairing their boulevards, parkways, roads, ways, and bridges is hereby transferred to the care, custody and control of the bureau of parkways of the division of highways for the purpose of maintaining such boulevards, parkways, roads, ways, and bridges. If there is a dispute as to which equipment or which maintenance areas, or parts thereof, are so transferred to the department of transportation, the secretary of administration and finance shall determine which equipment and maintenance areas, or parts thereof, are so transferred and such determination shall be final.

(8) The bureau of parkways of the department of highways is hereby authorized solely to perform maintenance and repair services for the division of conservation and recreation as set forth in this act. Nothing in this act shall be construed to transfer from the department of conservation and recreation to the department of highways the care, custody and control of any boulevards, parkways, roads, ways, or bridges under the custody and control of the department of conservation and recreation, or functions related to the grass cutting, graffiti removal from structures, issuance of curb cut permits or garage operations.

Section 6G. (a) The department of the environment shall include a division of agricultural resources for the purposes of managing, promoting and protecting the commonwealth's agricultural, forestry, fishery and other natural resources for the environmental and economic benefit of the commonwealth; keeping the Massachusetts food supply safe and secure; keeping Massachusetts agriculture economically and environmentally sound; protecting the health of Massachusetts domestic plants and animals and forests; helping Massachusetts farmers and foresters maintain and manage hundreds of thousands of acres of open space; enhancing the economy, environment and quality of life of the commonwealth; and assisting all agricultural landowners. The division shall provide economic and market development programs and services to natural resource-based industries in the commonwealth.

(b) The division of agricultural resources shall be under a commissioner who shall exercise supervision, direction and control over all bureaus and sections of the division with the advice of a board of agriculture. The commissioner of the division of agricultural resources shall be appointed and removed by the secretary of the environment, with the approval of the secretary of commonwealth development, without regard to the provisions of section 9A of chapter 30 or chapter 31. The commissioner may appoint or remove a deputy or assistant commissioner and such other officers as he deems appropriate, may organize the department into bureaus and sections and shall assign to said bureaus and sections their functions, and, as appropriate, may centralize licensing, marketing, educational, technical assistance, and other functions to carry out the mission of the division.

(c) The commissioner of the division of agricultural resources shall have all the powers, responsibilities, duties and authorities previously held by the commissioner of the department of food and agriculture, including but not limited to, those powers and duties set forth in the General Laws, including without limitation, chapter 20; and section 4F of chapter 21; chapter 61; sections 12 through 48D of chapter 94; sections 1 to 27 of chapter 94A; chapter 128, including without limitation, section 2 of that chapter; chapter 129, including without limitation, section 2 of that chapter; the Forest Cutting Practices Act under sections 40 through 51 of chapter 132; chapter 132B; and any other General Law or Special Act specifying the predecessor agencies department of food and agriculture or state reclamation and mosquito control board, as well as, and without limiting the foregoing, the following powers and duties:

(c)(1) to operate, administer and manage a program, under the authority of General Laws chapter 132A, sections 11A through 11D, inclusive, for the acquisition of agricultural preservation restrictions, as provided for in chapter 184, sections 31 through 32 with monies appropriated under section 11A of chapter 132A, or from other sources, as restrictions are approved for acquisition by the agricultural lands preservation committee established under section 11B, provided however that the acquisition of an interest in land and associated activities shall be overseen by the office of land acquisition and protection within the department as described in this chapter;

(2) to operate, administer and manage a program, under authority of sections 13 to 18 of chapter 20 of the General Laws, to make available vacant public land for farm purposes, gardens or arbors;

(3) to operate, administer and manage a program, under authority of section 22 of chapter 20 of the General Laws for the acquisition of non-development covenants of limited duration, including the farm viability development program that was funded under item 2530-8969 of section 2 of chapter 15 of the acts of 1996, the agricultural environmental enhancement program that was funded under section 8 of chapter 258 of the acts of 1996, and such other programs as the department may establish in conjunction with non-development covenants;

(4) to operate, administer and manage a program under the authority of section 7 of chapter 21H for agricultural composting, including the operation of state, local and demonstration agricultural composting projects;

(5) to execute and carry into effect the laws relative to the state reclamation and mosquito control board, as established in section 2 of chapter 252, of the General Laws and as detailed in other sections of said chapter 252;

(6) to execute and carry into effect the laws relative to forestry, as detailed in the Forest Cutting Practices Act, sections 40 to 51 of chapter 132 of General Laws;

(7) to execute the powers and duties with respect to livestock, poultry and other farm animals as established at chapter 129, sections 2 and 13A through 47, inclusive, and sections 90A to 92 A and 152A to 152C of chapter 94 of the General Laws. These powers and duties include, without limitation, the following:

(i) regulate horse and livestock dealing and transporting and issue licenses therefore pursuant to sections 39, 40, 45 and 46 of chapter 129 of the General Laws.

(ii) regulate pet shops, guard dogs and hearing dogs and issue licenses therefore pursuant to sections 39A to 39C of chapter 129 of the General Laws.

(iii) regulate farm animal transportation, dealing, imports and exports pursuant to sections 2, 14E, 26A, 26B, 27, 31A, 32 to 34, inclusive, 36B, 36D, 36E, 36F, 36G, 36H, 41, 42, 44, 44A, 45, 46, 47 of chapter 129, and section 138 A of chapter 140 of the General Laws.

(iv) implement contagious disease reporting, quarantine, and other animal health requirements established at sections 28 to 31, 36, and 40A of chapter 129 of the General Laws.

(v) operate, administer and manage a program to control the spread of rabies pursuant to section 2 of chapter 129 and relevant provisions in chapter 140 of the General Laws.

(vi) approve, appoint, install or dismiss local inspectors of animals pursuant to sections 15 to 17 of chapter 129 of the General Laws, and regulate these inspectors and their activities, including the creation of records, forms, orders, rules and regulations pursuant to sections 3 to 5 of chapter 129 of the General Laws, entry for inspections pursuant to section 7, and the issuance of quarantine orders, pursuant to sections 18 to 21 and 24 to 26 of chapter 129 of the General Laws.

(vii) seek the aid of constables, sheriffs or police officers in performing their duties as provided in section 6 of chapter 129, establish hospitals and quarantine stations pursuant to section 8 of chapter 129, examine persons under oath pursuant to section 10 of chapter 129, isolate or destroy diseased animals pursuant to section 11 of chapter 129, assess administrative fines or take other actions relative to violations of chapter 129 pursuant to section 37 of said chapter 129, enforce sections 39 to 42 through penalties provided by section 43 of said chapter 129, and enforce sections 45 through 47 through penalties provided by section 48 of said chapter 129 of the General Laws.

(viii) provide the commissioner with the material needed to create an annual report pursuant to section 38 of chapter 129 of the General Laws.

(ix) operate, administer and manage a program to control the grading and sale of eggs pursuant to sections 90A to 90D of chapter 94 of the General Laws.

(8) to execute the powers and duties with respect to dairy services and milk markets in the commonwealth as established by sections 12 to 48D of chapter 94 and sections 1 to 27 of chapter 94A of the General Laws. These powers include, but are not limited to, the following:

(i) designate and establish as markets the several natural milk marketing areas.

(ii) encourage the production of a regular, continuous and adequate supply for such market or markets of fresh fluid milk conforming to law; and to promote programs designed to increase the consumption of milk.

(iii) control any unreasonable and burdensome surplus of milk in any market coming from either within or without the commonwealth.

(iv) investigate and regulate matters pertaining to markets, to the production, manufacture, processing, storage, transportation, disposal, distribution and sale of milk within the commonwealth, and to the establishment and maintenance of reasonable trade practices relative to milk.

(v) operate, administer and manage a licensing program whereby information will be collected and reviewed relative to the nature of the milk business to be conducted, the name and principal business address in the commonwealth of the applicant, and, if a firm or association, the name and address of each member thereof, or if a corporation, the names and addresses of all officers and directors thereof, and the name of each municipality in which business is to be conducted.

(vi) conduct hearings that provide an applicant or licensee an opportunity to be heard in person or by attorney before declining to grant a license of any type, or suspending or revoking a license.

(vii) confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within and among such states; may join in conducting joint investigations, holding joint hearings and issuing joint or concurrent orders; and may enter into one or more compacts for such uniform milk control, subject to such federal approval as may be authorized or required by law.

(viii) mediate and arbitrate in any controversy or issue among or between producers and milk dealers either as individuals or as groups, associations or corporations.

(ix) adopt and promulgate rules and regulations governing the production, transportation, receiving, handling, storage, processing, distribution and sale of raw milk for pasteurization and raw products thereof being shipped or offered for shipment into or within the commonwealth;

(9) to execute the powers and duties with respect to agricultural development in the commonwealth as established at chapter 128 and other relevant provisions of the General Laws. These powers include, but are not limited to the following:

(i) aiding in the promotion and development of the agricultural resources of the commonwealth and the improvement of conditions of rural life, the settlement of farms and the distribution of the supply of farm labor.

(ii) reviewing and approving public markets and rules and regulations therefore pursuant to section 10 of chapter 40 of the General Laws;

(iii) promoting and supporting aquaculture in the commonwealth;

(iv) pursuing foreign trade initiatives as authorized under section 2(c) of chapter 128 of the General Laws;

(v) collecting and disseminating data and statistics as to the agricultural products produced, marketed, stored or held within the commonwealth, with the quantities available from time to time and the location thereof, as provided in section 2(d) of chapter 128 of the General Laws;

(vi) investigating and aiding improved methods of co-operative production, marketing and distribution of agricultural products within the commonwealth, as provided in section 2(e) of chapter 128 of the General Laws;

(vii) establishing, publishing or participating in events and publications that promote agriculture in the commonwealth or educate the public about agriculture;

(viii) procuring and administering grants for the department that promote the division's mission;

(ix) assisting Massachusetts residents in obtaining grants that will foster their agricultural pursuits;

(x) managing grant programs;

(xi) administering the agricultural resolve and security fund established under section 2EEE of chapter 29 of the General Laws;

(xii) carrying out the powers and duties relative to racing and fairs established in sections 2(f) to 2(j) of chapter 128 of the General Laws;

(xiii) protecting and managing state-owned farmland and agricultural resources in the commonwealth;

(xiv) managing the agricultural preservation restriction program under, sections 11A to 11D of chapter 132A of the General Laws;

(xv) managing the vacant state-owned agricultural land program under sections 13 to 18 of chapter 20 of the General Laws;

(xvi) managing the farm viability enhancement program under section 22 of chapter 20 of the General Laws;

(xvii) administering the laws pertaining to farm products, feed, fertilizers and plant industries;

(xviii) under the direction of the chief apiary inspector as provided in section 32 of chapter 128 of the General Laws conducting an apiary inspection program pursuant to sections 32 to 38 of chapter 128 of the General Laws;

(xix) controlling plant diseases pursuant to sections 16 to 31A of chapter 128 of the General Laws;

(xx) managing the labeling and sale of honey and maple syrup pursuant to sections 36B to 38 of chapter 128 of the General Laws;

(xxi) regulating commercial feeds pursuant to sections 52 to 63 of chapter 128 of the General Laws;

(xxii) regulating commercial fertilizers pursuant to sections 64 to 83 of chapter 128 of the General Laws;

(xxiii) regulating seeds pursuant to sections 84 to 101 of chapter 128 of the General Laws;

(xxiv) carrying out all provisions regarding the grading of apples and other such functions as provided in 101 to 109 of chapter 94 of the General Laws;

(xxv) managing an apple promotion program pursuant to sections 102 to 115 of chapter 128 of the General Laws;

(xxvi) carrying out all provisions regarding cranberries as provided in sections 115 to 117 of chapter 94 of the General Laws;

(xxvii) carrying out all provisions regarding potatoes as provided in sections 117G to 117L of chapter 94 of the General Laws;

(xxviii) carrying out all provisions regarding farm products as provided in sections 117A through 117F of chapter 94 of the General Laws;

(xxix) pursuant to section 7 of chapter 21H of the General Laws, establishing an agricultural composting program and providing for the registration of farm properties;

(xxx) executing the duties of the state reclamation and mosquito control board established by section 2 of chapter 252 of the General Laws.

(xxxi) developing aquaculture in the commonwealth as an industry that is environmentally responsible and economically important and taking such other actions as are authorized by or necessary to implement programs under or consistent with item 2500-2015 of section 2 of chapter 236 of the acts of 2002 or any other relevant statutory authority;

(xxxii) developing and implementing programs related to economic development of fisheries and aquaculture.

(10) to execute the powers and duties with respect to the following:

(i) administering and implementing the Forest Cutting Practices Act, sections 40 to 51 of chapter 132 of the General Laws;

(ii) administering the role of the division relative to landowners in the implementation of the forest tax law at sections 1 to 8 of chapter 61 of the General Laws;

(iii) administering programs related to assisting private forests in the commonwealth, including assessment, conservation, utilization, and business opportunity evaluation and technical assistance;

(iv) implementation of the forest tax law at sections 1 to 8 of Chapter 61;

(v) developing and evaluating business opportunities in every phase of wood product manufacture and recycling;

(vi) monitoring and assessing factors that influence the health of Massachusetts forests utilizing aerial survey, permanent sampling plots, and pheromone traps;

(vii) implementing the provisions of the slash law as set forth in chapter 48 of the General Laws, which allows the director of the division of forests and parks to make exceptions to this procedure in preparation or approval of cutting plans;

(viii) implementing the forest legacy program; and

(ix) implementing and developing other such private forest management programs.

(d) The division of agricultural resources shall include without limitation the board of agriculture, the agricultural lands preservation committee, the state reclamation and mosquito control board, the equine advisory committee, Massachusetts standard bred and breeding fund committee, the state forestry committee, the forester licensing committee, and any bureaus, sections or other such subdivisions created under said division of agricultural resources pursuant to this chapter or under section 6 of chapter 20, chapter 61 of the General Laws, or sections 40 to 51 of chapter 132 of the General Laws.

Section 6H. (a) The department for the environment shall include a division of fisheries, wildlife and environmental law enforcement for the purpose of conserving and managing habitat for native flora and fauna, operating and maintaining wildlife management areas and wildlife sanctuaries of the division, propagation of fish and wildlife, administering sporting, hunting, fishing and trapping, licensing, rules and regulations, and education programs associated with these purposes.

(b) The division of fisheries, wildlife and environmental law enforcement shall be under the control of a commissioner, who shall exercise supervision, direction and control over all lands and bureaus of the division. The commissioner of the division of fish, wildlife and environmental law enforcement shall have the powers and authorities previously held by the commissioner of the department of fisheries, wildlife and environmental law enforcement, including but not limited to those set forth in section 7 of chapter 21 and Section 4 and 5 of chapter 131 and except as otherwise provided herein. The commissioner shall be appointed and may be removed by the secretary for the environment, with the approval of the secretary of commonwealth development, without regard to the provisions of section 9A of chapter 30 or chapter 31. The commissioner shall have powers and authorities to do the following:

(c) The division of fisheries, wildlife and environmental law enforcement shall have powers and authorities previously held by the department of fisheries, wildlife and environmental law enforcement and its division of fisheries and wildlife, its division of marine fisheries, its division of law enforcement. Such powers and authorities shall include but are not limited to the following:

(1) to perform the administrative functions of the department of fisheries, wildlife and environmental law enforcement, including the power and authority set forth in sections 7 and 8 of chapter 21A and sections 7, 7B, 7C, 7D, 7E, 7F, 7H and 7I of chapter 131;

(2) to perform the powers and duties of the director of the division of fisheries and wildlife, including the power and authority set forth at sections 4 and 5 of chapter 131;

(3) to administer the inland fisheries and game fund and the wildlands acquisition account, including the power and authority set forth at sections 1, 2, 2A, 2B, 3, 22A of chapter 131;

(4) to acquire rights, properties or interests for public fishing, fish and wildlife management and public shooting grounds and dispose of products of such lands, including the power and authority set forth at section 6 of chapter 131;

(5) to effectuate the wildlife sanctuary program, including the power and authority set forth at sections 7, 8, 9, and 10 of chapter 131;

(6) to effectuate the nature preserve program, including the power and authority set forth at sections 10A, 10B, 10C, 10D of chapter 131;

(7) to promulgate rules and regulations, including the power and authority set forth at sections 5, 6, 8, 10D, 12, 22A of chapter 131;

(8) to effectuate the sporting, hunting, fishing and trapping licensing program, including the power and authority set forth at sections 11-21A, 22A, 32-35, and 37-38 of chapter 131;

(9) to propagate, cultivate, maintain or deal in fish, birds, mammals, reptiles or amphibians, including the powers and authority set forth at sections 22-31 of chapter 131;

(10) to administer and enforce sporting, hunting, trapping and fishing rules and regulations, and programs, including the powers and duties set forth in sections 40A-92 of chapter 131;

(11) to take by eminent domain under the provisions of chapter 79 and chapter 80A lands and interests in lands to protect native flora and fauna and to carry out the policies, programs, or authorities of the division, including the powers and authorities set forth at section 8 of chapter 21A; provided, however, that acquisition of an interest in land and associated activities shall be conducted by the office of land acquisition and protection within the department as described in section 6A(d) of this chapter;

(12) to enforce all penal laws and non-criminal regulations, which any division within the department of the environment has a duty to enforce notwithstanding any General Laws or special laws to the contrary and to direct all inspections, claims and investigations but not to divest other officers or employees of the commonwealth

of the duty to enforce laws as provided for in the General Laws or special laws in accordance with section 6A of chapter 21;

(13) to authorize those employees designated as environmental police officers to have and exercise throughout the commonwealth all the authority of police officers and to authorize, in writing any environmental police officer to have in their possession and carry a firearm, revolver, club, handcuffs, twisters or any other weapon or article required for the performance of their official duty in accordance with section 6B of chapter 21;

(14) to promulgate regulations concerning the enforcement of environmental laws and regulations in accordance with section 6 of chapter 21;

(15) to require employees designated with police powers to wear a uniform and badge in accordance with section 6C of chapter 21;

(16) to enter upon and pass through private property or lands in the performance of enforcement duties and to dispose of dead, injured, or helpless fish, birds or mammals in accordance with section 6D of chapter 21;

(17) to enforce provisions of chapter 90B as they pertain to the operation, licensing, and safety requirements of motorboats, jet-skis and recreational vehicles in accordance with section 12 of chapter 90B; and

(18) to authorize rangers, as deemed necessary, to act as deputy environmental police officers for the purpose of enforcing non-criminal regulations in accordance with section 7A of chapter 132A.

(d)(1) The division shall include a bureau of marine fisheries for the purpose of ensuring the proper management and biological development of marine fish and fisheries in areas either within or subject to the jurisdiction of the commonwealth. Said bureau shall have all the powers and duties of the division of marine fisheries described in section 5 of chapter 21, except as modified in this chapter.

(2) The bureau shall be under the supervision of a bureau chief who shall be appointed, and may be removed, by the commissioner of the division of fish, wildlife and environmental law enforcement. Except as modified in this chapter, said bureau chief shall have the powers ands duties previously held by the director

of the division of marine fisheries described in section 5 of chapter 21.

(3) Within the bureau shall be a marine fisheries advisory commission. Said commission shall have the powers and duties described in section 5A of chapter 21 and otherwise provided by law, including sections 17A, 38B, 44A, and 100A of chapter 130. The bureau chief on behalf of the bureau shall have the following powers and duties and may promulgate rules and regulations to carry out such powers and duties:

(i) administering all laws and regulations concerning marine fish and fisheries in chapter 130;

(ii) administering on behalf of the commonwealth the Atlantic States Marine Fisheries Compact described in the appendix to said chapter 130;

(iii) administering all laws concerning fisheries management under federal delegations of authority for fisheries management either within or subject to the jurisdiction of the commonwealth; and as otherwise provided by law;

(iv) Regulating shell-fishing with the Logan Airport security zone as described in section 61 of chapter 90;

(v) issuing permits under section 77H of chapter 94.

(e)(1) The division shall include a bureau of fish and wildlife for the purpose of ensuring the proper management, utilization and biological development of inland fish and wildlife and lands for the health and viability of native wildlife communities. Said bureau shall have all the powers and duties of the division of fisheries and wildlife described in section 7 of chapter 21, except as modified in this chapter.

(2) The bureau shall be under the supervision of a bureau chief who shall be appointed, and may be removed, without regard to the provisions of chapter 31, by the board of fish and wildlife. Except as modified in this chapter, said bureau chief shall have the powers ands duties previously held by the director of the division of fisheries and wildlife described in section 7 to 7I of chapter 21.

(3) Within the bureau shall be a board of fish and wildlife. Said board shall have the powers and duties described in section 7 to 7G of chapter 21 and otherwise provided by law, including sections 2, 2A, 4, 5, 5B, 6, 11, 22A, 30 of chapter 131.

(4) The bureau chief on behalf of the bureau shall have the following powers and duties and may promulgate rules and regulations to carry out:

(i) administering all laws and regulations concerning inland fish, game and wildlife formerly administered by the division of fisheries and wildlife under chapter 131 of the General Laws or otherwise by law, excluding, however, chapter 131A of the General Laws;

(ii) administering the functions formerly held by the bureau of wildlife research and management under section 7H of chapter 21;

(iii) acquiring interests in land in accordance with authority previously held by the division of fisheries and wildlife and the board of fisheries and wildlife, provided however that acquisition of an interest in land and associated activities shall be conducted by the office of land acquisition and protection within the department as described in section 6A(d) of this chapter;

(iv) regulating shell-fishing with the Logan Airport security zone as described in section 61 of chapter 90;

(v) issuing permits under section 77H of chapter 94.

(f)(1) The division of fisheries, wildlife and environmental law enforcement shall include a bureau of environmental law enforcement for the purpose of enforcing penal laws and non-criminal regulations that were enforced by the former division of environmental law enforcement of the department of fisheries wildlife and environmental law enforcement. At the request of the commissioner of the division of conservation and recreation, or the commissioner of the division of environmental protection, or the commissioner of fisheries, wildlife and environmental law enforcement, the bureau shall work cooperatively to establish a personnel presence for enforcement purposes at lands of the division of conservation and recreation and the division of fish, wildlife and environmental law enforcement. At the request of the commissioner of the division of environmental protection, the bureau of environmental law enforcement shall work cooperatively to assist the division of environmental protection in enforcement work. The bureau shall have all of the powers and duties of the former division of law enforcement as described in, but not limited to, sections 6 to 6I of chapter 21 of the General Laws.

Section 6I. (a) There shall be within the executive office of commonwealth development a department of transportation. The department of transportation shall be under the direction of a secretary. The secretary shall be appointed and may be removed by the governor and shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. The duties given to the secretary in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of the executive office for commonwealth development. The secretary shall be a person of skill and experience in the area of administration and transportation and shall devote his full time during business hours to the duties of his office. The secretary shall receive such salary as the governor shall determine. The secretary shall be the executive and administrative head of the department of transportation and every division, bureau, section and other administrative unit and agency within said office shall be under the control and supervision of said secretary. Said secretary shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the department of transportation or to any division, office, bureau, or other administrative unit or agency within said office. The secretary shall be responsible for administering and enforcing the provisions of law relative to the department and to each administrative unit thereof; provided, however, that the secretary may authorize any staff officer of the department to exercise in his name any power or to discharge any duty assigned to him by law, and may at any time revoke such authority.

(b) The department shall serve as the principal agency for the following purposes:

(i) ensuring the coordinated and effective administration of the transportation programs of the commonwealth;

(ii) protecting, improving, and ensuring sustainable development and utilization of the natural and built environment of the commonwealth;

(iii) encouraging cooperation of federal, state, and local governments, carriers, labor, and other interested persons to achieve transportation objectives;

(iv) providing general leadership in identifying and solving transportation problems;

(v) developing and recommending transportation policies and programs to the governor and legislature to achieve transportation objectives considering the needs of the public, users, carriers, industry, labor, and commonwealth security;

(vi) ensuring the coordinated planning, operation, construction, maintenance and other improvements of the transportation infrastructure of the commonwealth;

(vii) supervising the organization and conduct of the financial affairs of the departments, commissions, offices, boards, divisions, institutions, and other agencies within the department of transportation;

(viii) developing policies and programs that will improve the organization, structure, functions, economy, efficiency, procedures, and services of all such departments, commissions, offices, boards, division, institutions and other agencies; and

(ix) supervising security, safety and emergency responses for the transportation agencies within the executive office.

(c) The secretary of transportation shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the department of transportation or to any division, bureau, or other administrative unit or agency under the said department. He shall be the executive and administrative head of said department and every division, bureau, section and other administrative unit and agency within said department shall be under his control and supervision. The secretary shall act on all matters pertaining to transportation planning, and policy; he shall coordinate the functions and affairs of the departments, commissions, offices, boards, divisions, institutions and other agencies within the department of transportation. Additionally, the secretary shall:

(1) supervise program planning and the coordination of the transportation activities and programs of the commonwealth in its dealings with any federal, state and local government entities;

(2) review and report to the governor and the general court on all proposed legislation and budgets affecting the organization, structure, efficiency and administrative functions, services, programs, procedures and practices of the departments, commissions, offices, boards, divisions, institutions and other agencies, or any of them in the department of transportation;

(3) conduct studies of the operations of said agencies with a view to effecting improvements in administrative organization, procedures, and practices to promote economy and efficiency in said agencies;

(4) take steps to ensure the coordinated and efficient planning, construction, operation and maintenance, and safety and security, of the transportation infrastructure; additionally, take steps to ensure that the department and its divisions, bureaus or other subdivisions operate in a fiscally and financially responsible manner;

(5) shall apply for, accept and expend, subject to appropriation, on behalf of the commonwealth, any gift, loan or grant-in-aid from the federal government, or any agency or instrumentality thereof for demonstration projects and programs as may become available to the commonwealth for the purpose of energy conservation for improved transportation management systems or for improved transportation management systems; and

(6) have such other powers and duties as shall be assigned to him by law and which may from time to time be assigned to him by the governor in accordance with law, including without limitation, those powers set forth in the General Laws, chapter forty, section fifty-four A, chapter one hundred and sixty-one A, chapter one hundred and sixty-one B and chapter one hundred and sixty-one C; and any other powers granted to the department previously referred to as the executive office of transportation and construction.

(d) The secretary shall appoint and may remove all employees in the department, and shall assign to all officials, agents and employees their duties.

Section 6J. (a) The department of transportation shall include, but not be limited to: (1) an office of transportation planning and sustainable development; (2) a division of public works; (3) a division of aeronautics; (4) a regional transit division; (5) a freight and passenger railroad division; and, (6) a division of vehicle safety. The secretary also may from time to time establish within the department such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the secretary may abolish or merge any such bureau, section or other unit that is not otherwise established by statute.

The Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike Authority and any regional transportation authorities established under the provisions of chapter one hundred and sixty-one B shall also be within the department of transportation. Nothing in this chapter shall be construed as conferring any powers or imposing any duties on the secretary with respect to the foregoing authorities except as expressly provided by law.

(b)(1)Wherever the name executive office of transportation and construction appears in any general or special law or in any order, rule or regulation or other such document related to the exercise of such powers, or the performance of such duties, or to such custody and control as are vested in the executive office, such name shall mean and shall be construed as referring to the department of transportation.

(2) Any function, right, power, duty or other statutory provision which prior to the effective date of this act, was assigned to, exercised by or performed by the executive office of transportation and construction shall be deemed assigned to, exercised by or performed by the department of transportation.

(3) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the executive office of transportation and construction and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said executive office are hereby transferred to the department of transportation, and all existing contracts, memoranda of understanding, leases, and other obligations of the executive office of transportation and construction which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said department of transportation, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the executive office of transportation and construction shall continue in effect as if

established or granted by the department of transportation unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the executive office of transportation and construction unexpended on the effective date of this act are hereby transferred to the department of transportation and shall be available for expenditure by said division for the purposes for which such funds were originally appropriated.

(4) Wherever the names department of highways or highways commission appears in any general or special law or in any order, rule or regulation or other such document related to the exercise of such powers, or the performance of such duties, or to such custody and control as are vested in the department, such names shall mean and shall be construed as referring to the division of public works.

(5) Any function, right, power, duty or other statutory provision which prior to the effective date of this act, was assigned to, exercised by or performed by the department of highways or highways commission shall be deemed assigned to, exercised by or performed by the division of public works.

(6) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the department of highways or highways commission and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said department or commission are hereby transferred to the division of public works, and all existing contracts, memoranda of understanding, leases, and other obligations of the department of highways or highways commission which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said division of public works, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the department of highways or massachusetts highway commission shall continue in effect as if established or granted by the division of public works unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the department of high-

ways unexpended on the effective date of this act are hereby transferred to the department of public works and shall be available for expenditure by said division for the purposes for which such funds were originally appropriated.

(7) Wherever the name outdoor advertising board appears in any general or special law or in any order, rule or regulation or other such document related to the exercise of such powers, or the performance of such duties, or to such custody and control as are vested in the board, such name shall mean and shall be construed as referring to the outdoor advertising bureau.

(8) Any function, right, power, duty or other statutory provision which prior to the effective date of this act, was assigned to, exercised by or performed by the outdoor advertising board shall be deemed assigned to, exercised by or performed by the outdoor advertising bureau.

(9) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the outdoor advertising board and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said board are hereby transferred to the outdoor advertising bureau, and all existing contracts, memoranda of understanding, leases, and other obligations of the outdoor advertising board which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said outdoor advertising bureau, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the outdoor advertising board shall continue in effect as if established or granted by the outdoor advertising bureau unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the outdoor advertising board unexpended on the effective date of this act are hereby transferred to the outdoor advertising bureau and shall be available for expenditure by said bureau for the purposes for which such funds were originally appropriated.

(10) Wherever the name massachusetts aeronautics commission appears in any general or special law or in any order, rule or regulation or other such document related to the exercise of such powers, or the performance of such duties, or to such custody and control as are vested in the commission, such name shall mean and shall be construed as referring to the division of aeronautics.

(11) Any function, right, power, duty or other statutory provision which prior to the effective date of this act, was assigned to, exercised by or performed by the massachusetts aeronautics commission shall be deemed assigned to, exercised by or performed by the division of aeronautics.

(12) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the massachusetts aeronautics commission and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said commission are hereby transferred to the division of aeronautics, and all existing contracts, memoranda of understanding, leases, and other obligations of the massachusetts aeronautics commission which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said division of aeronautics, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the massachusetts aeronautics commission shall continue in effect as if established or granted by the division of aeronautics unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the massachusetts aeronautics commission unexpended on the effective date of this act are hereby transferred to the division of aeronautics and shall be available for expenditure by said division for the purposes for which such funds were originally appropriated.

(13) Wherever the name transportation division of the department of telecommunications and energy appears in any general or special law or in any order, rule or regulation or other such document related to the exercise of such powers, or the performance of such duties, or to such custody and control as are vested in the

transportation division, such name shall mean and shall be construed as referring to the division of vehicle safety.

(14) Any function, right, power, duty or other statutory provision which prior to the effective date of this act, was assigned to, exercised by or performed by the transportation division of the department of telecommunications and energy shall be deemed assigned to, exercised by or performed by the division of vehicle safety.

(15) All duties, responsibilities, obligations, rule and regulation making authority, licensing and permitting powers, and all other activities formerly mandated to, granted to or performed by the transportation division of the department of telecommunications and energy and all books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of said transportation division are hereby transferred to the division of vehicle safety, and all existing contracts, memoranda of understanding, leases, and other obligations of the transportation division of the department of telecommunications and energy which are in force on the effective date of this act shall become the obligations and shall be thereafter performed by said division of vehicle safety, and all orders, rules, regulations, other determinations, licenses, permits, certificates, approvals, and permissions granted by, and all legal and decisional precedents established by the transportation division of the department of telecommunications and energy shall continue in effect as if established or granted by the division of vehicle safety unless or until amended, modified, suspended, or revoked. All monies heretofore appropriated for the transportation division of the department of telecommunications and energy unexpended on the effective date of this act are hereby transferred to the division of vehicle safety and shall be available for expenditure by said bureau for the purposes for which such funds were originally appropriated.

(c)(1) There shall be in the department an office of transportation planning and sustainable development, which shall work in close cooperation with the executive office for commonwealth development and the departments of environment and housing and community development and other relevant state and federal agencies to protect, improve and ensure sustainable development and utilization of the natural and built environment. Said office shall serve as the principal source of such transportation and other planning for the department, and in so serving shall conduct research, surveys, demonstration projects and studies in co-operation with the federal government, other governmental agencies, and appropriate private organizations and be responsible for the continual preparation of comprehensive and coordinated transportation plans and programs for submission to and adoption by the secretary and for such review or consideration by other governmental agencies as may be required by law or deemed appropriate by the secretary. Said plans and programs shall be prepared in coordination with comprehensive urban development plans and in co-operation with the said other agencies so far as practicable.

(2) The office of transportation planning and sustainable development shall be under the direction of a director or other staff officer who shall be subject to the direction, control and supervision of the secretary or his delegate. The staff officer in charge of the office shall be a person of skill and experience in the field of transportation, planning, community development or environmental quality and shall be appointed and may be removed by the secretary. The position of such staff officer shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such staff officer shall devote his full time during business hours to the duties of his office.

Section 6K. (a) The department of transportation shall include a division of public works for the purpose of designing, constructing, maintaining and operating the roads and bridges of the commonwealth. The division will be under the direction of a commissioner of public works who shall be appointed and may be removed by the secretary, with the approval of the secretary of commonwealth development, and who shall be responsible for administering and enforcing the provisions of this chapter relative to the administration and to each bureau or other section thereof under his control and supervision unless otherwise provided herein, subject to the supervision of the secretary.

The commissioner of public works shall be exempt from chapter thirty-one and the position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. He shall be appointed with due regard to his fitness, by reason of his experience in matters relating to transportation infrastructure, including roads and bridges, such as their construction, operations, financing or other relevant experience relative to the efficient exercise of his powers and duties.

The commissioner shall administer the provisions of this section and the sections of chapter eighty-one of the General Laws, and the rules, regulations and orders issued and promulgated thereunder, and all other laws of the commonwealth that grant powers to or impose duties upon the division of public works, previously referred to as the department of highways, subject to the supervision of the secretary.

(b) The commissioner shall establish a procedure for recommending to the secretary approval or disapproval of all contracts, including specifications, made by the department, and any changes, alterations, amendments, or modifications thereof and for contract appeals of all claims made under any contract with the department with the exception of claims subject to section thirty-nine Q of chapter thirty. Any person aggrieved by a decision of the secretary acting in regards to contract appeals may bring suit against the commonwealth for recovery of damages based on such claim under the provisions of chapter two hundred and fifty-eight.

To assist the secretary and commissioner in performing this function, the governor may appoint and remove a person of legal training and experience, who shall be a member of the bar of the commonwealth, to the position of hearing examiner. The hearing examiner shall devote full time during business hours to the duties of his position. The position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty. The secretary may refer any dispute concerning contracts, contract specifications or the execution of contracts not subject to the aforesaid section thirty-nine Q of chapter thirty to the hearing examiner for a report of the matter including a recommendation as to the disposition of the dispute.

The hearing examiner shall hear all claims by contractors from determinations of the department with the exception of claims subject to section thirty-nine Q of chapter thirty; and shall, after hearing, render to the secretary a report of the matter including a recommendation as to the disposition of the claim. Said examiner shall at the request of the contractor or of the department or on his own motion summon witnesses and require the production of books and records and take testimony under oath. Such reports shall be maintained as public records in a place and form fully accessible to the public.

(c) There shall be a bureau of parkways within the division of public works. The bureau shall be responsible for all maintenance and operation of previously designated metropolitan district commission parkways and bridges, as well as any other parkways as designated by the secretary of the environment subject to one or more memoranda of understanding that shall include, but not be limited to, street lighting and related appurtenances previously under the care, custody and control of the metropolitan district commission. The division of public works shall be responsible, at a minimum, for the removal of snow and ice from parkways. The commissioner of public works shall assign sufficient staff to the division to accomplish the bureau's goals and objectives. Nothing in this section shall prohibit the use of division of public works personnel not assigned to the bureau of parkways for maintenance and operation of parkways in addition to other responsibilities which shall be set forth in the memoranda of understanding. The commissioner of public works, with the approval of the secretary, may appoint and remove a deputy commissioner for parkways without regard to chapter thirty-one to manage the bureau of parkways who shall report to the commissioner. The commissioner shall assign powers and duties to the deputy commissioner.

(d) The bureau of parkways shall, subject to the approval of the executive office of commonwealth development and the department of the environment, develop standards to address the maintenance and operation of the parkways and any other issues not specifically addressed in this section but necessary to effectuate its intent. The standards shall be memorialized in a memorandum of understanding to be signed by the secretary of the executive office for commonwealth development and the secretaries of the departments of transportation and the environment. The standards shall include, but not be limited to, ones governing design, engineering, construction and maintenance of the parkways and shall protect the distinctive characteristics of the parkway system. Until the final standards are developed and approved, the bureau shall use existing metropolitan district commission standards for the design, engineering, construction and maintenance of parkways. The bureau shall not widen any parkways previously under the care, custody and control of the metropolitan district commission.

The cost of the operations and maintenance of the parkways as set forth in the above referenced memorandum of understanding shall be a part of the budget of the department of environment. The department of environment shall transfer all funds necessary for the operation and maintenance to the bureau of parkways, through the department of transportation, pursuant to an annual interagency service agreement that sets forth the scope of work to be provided and the corresponding cost.

(e) Trucks and hazardous cargoes permitted on parkways, boulevards and roadways as of the enactment of this act shall be permissible. The division of public works shall not permit trucks and hazardous materials on parkways, boulevards and roadways, which are excluded from parkways, boulevards and roadways by the metropolitan district commission at the time of the enactment of this act unless otherwise authorized by the general court.

(f) Capital expenditures made by the bureau of parkways within the division of public works shall be included in the total for the statewide road and bridge program.

(g) The bureau of parkways shall be responsible for any duties and obtain all rights pertaining to operation and maintenance of parkways as are now vested in the metropolitan district commission by sections 35, 35A, 36, 37, 49, 69, 80, 85, 88, 98, and 106 of the General Laws. This section, however, shall not be construed to repeal, diminish or limit any authority, right, or limitation on liability, granted to the division of conservation and recreation as successor to the metropolitan district commission by sections 35, 35A, 36, 37, 49, 69, 80, 85, 88, 98, and 106 of chapter 92 of the General Laws, beyond any authority or right granted to the bureau of parkways for operation and maintenance.

(h) There shall be within the division an outdoor advertising bureau, for the purpose of regulating and controlling, in the public interest, the erection and maintenance of billboards, signs or other advertising devices. The secretary shall assign such staff as he deems necessary to perform the duties of the outdoor advertising bureau. The bureau shall make an annual report for the preceding calendar year, setting forth the number of permits granted, the number of permits refused, the number of hearings held, the number of illegal signs removed, and other relevant matters, to the general court and to the secretary.

Section 6L. (a) The department of transportation shall include an aeronautics division for the purpose of coordinating and supervising the operations of the public and private airports in the commonwealth other than airports owned and operated by the Massachusetts Port Authority.

(b)(1) The aeronautics division shall be under the supervision and control of a commissioner of aeronautics who shall be appointed and may be removed by the secretary, and who shall be responsible for administering and enforcing the provisions of this chapter relative to the department and to each division thereof under his control and supervision.

(2) The commissioner of aeronautics shall be exempt from chapter thirty-one and the position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. He shall be appointed with due regard to his fitness, by reason of aeronautical training and knowledge of and recent practical experience in aeronautics, for the efficient exercise of his powers and duties.

(c) The commissioner shall administer the provisions of this section and sections thirty-five through fifty-two, inclusive, of chapter ninety and the rules, regulations and orders issued and promulgated thereunder, and all other laws of the commonwealth that grant powers to or impose duties upon the division, previously referred to as the Massachusetts Aeronautics Commission, subject to the supervision of the secretary. The commissioner may also promulgate such rules and regulations necessary in order to ensure that the above referenced airports are operated in a safe and secure manner.

Section 6M. (a) The department of transportation shall include a regional transit division for the purpose of assisting the secretary in promoting the efficient operation of public transportation services, including but not limited to regional transit services and passenger water transportation.

(b)(1) The regional transit division shall be under the supervision and control of a commissioner of public transit who shall be appointed and may be removed by the secretary, and who shall be responsible for administering and enforcing the provisions of this chapter relative to the division and to each bureau or other subsection thereof under his control and supervision, subject to the supervision of the secretary, and who shall assist the secretary in exercising his duties in regards to regional transportation, including, but not limited to those set forth in chapters 161A, 161B of the General Laws.

(2) The commissioner of public transit shall be exempt from chapter thirty-one and the position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. He shall be appointed with due regard to his fitness, by reason of knowledge of and recent practical experience in regional transit service, for the efficient exercise of his powers and duties.

Section 6N. (a) The department of transportation shall include a freight and passenger railroad division for the purpose of assisting the secretary in promoting the efficient operation of freight and passenger railroad service in the Commonwealth, including but not limited to inter-city rail, tourist rail services and freight rail service in the commonwealth.

(b)(1) The freight and passenger railroad division shall be under the supervision and control of a commissioner of freight and passenger railroads who shall be appointed and may be removed by the secretary, and who shall be responsible for administering and enforcing the provisions of this chapter relative to the division and to each bureau or other sub-section thereof under his control and supervision, subject to the supervision of the secretary, and who shall assist the secretary in exercising his duties in regards to public transportation and freight rail services, including, but not limited to those set forth in chapters 161B and 161C of the General Laws.

(2) The commissioner of freight and passenger railroads shall be exempt from chapter thirty-one and the position shall be classi-

fied in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. He shall be appointed with due regard to his fitness, by reason of knowledge of and recent practical experience in freight and passenger rail service, for the efficient exercise of his powers and duties.

Section 6O. (a) The department of transportation shall include a vehicle safety division for the purpose of administering the requirements and duties of the former Transportation Division of the Department of Telecommunications and Energy, including those set forth in section 5C of chapter 25 and chapters 159, other than 159(d), 159A, 159B, 161, 161A and 161B of the General Laws as set forth below and all other laws of the commonwealth that grant powers to or impose duties upon the body previously referred to as the Transportation Division of the Department of Telecommunications and Energy.

(b)(1) The vehicle safety division that shall be under the supervision and control of a director of vehicle safety who shall be responsible for administering and enforcing the provisions of this chapter relative to the division and to each bureau or other subsection thereof under his control and supervision.

(2) He shall be appointed and may be removed by the secretary. He shall be appointed with due regard to his fitness, by reason of knowledge of and recent practical experience in vehicle safety, for the efficient exercise of his powers and duties. The director shall be subject to chapter 31, and the rules and regulations made under authority thereof.

(c)(1) The director shall administer the provisions of this section, and section 5C of chapter 25 and chapter 159 (other than section 12(d) of chapter 159), 159A, 159B, 161, 161A and 161B of the General Laws and the rules, regulations and orders issued and promulgated thereunder, and all other laws of the commonwealth that grant powers to or impose duties upon the division, previously referred to as the division of transportation within the department of telecommunication and energy, subject to the supervision of the secretary.

(2) The director may employ such assistants and employees to serve in said division as he may deem necessary and may assign for service in said division such number, not exceeding twenty-

five, of investigators and examiners as it may deem necessary, subject to the approval of the secretary. In all investigations and inquiries authorized by law to be made by the director of the transportation division, and in all proceedings before him, he may summon witnesses, administer oaths and take testimony. The provisions of section 5A relative to fees of witnesses in proceedings before the department shall apply to witnesses summoned under this section.

(d) The railway and bus division and all the powers, duties and responsibilities assigned to said railway and bus division shall be transferred to said vehicle safety division

Section 6P. (a) The executive office for commonwealth development shall include a department of housing and community development for the following purposes:

(1) Mobilizing the physical and financial resources available to provide housing opportunities under fair and open procedures to individuals and households, most particularly to individuals and households of low and moderate income, including elderly and disabled individuals and households, and individuals and households displaced by public action;

(2) Protecting, improving, and ensuring sustainable development and utilization of the natural and built environment of the commonwealth;

(3) Reviewing and coordinating the activities of agencies of the Commonwealth with respect to housing, with emphasis on creating housing opportunities which are affordable over a long term of years for low and moderate income households;

(4) Mobilizing the physical and financial resources available for improving conditions in depressed areas, thereby providing opportunities for residents in those areas and attracting services, including volunteer services, in meeting important needs not adequately served in those areas and elsewhere in the Commonwealth;

(5) Cooperating with and rendering advice and technical assistance to municipalities in planning for sound development including renewal and rehabilitation of depressed areas, economic and housing growth, and assistance in the preservation and utilization of open space and other conservation resources, and in implementing such plans;

(6) Performing all duties and obligations and meeting the responsibilities imposed on the department by general or special law or other legal authority.

(b) The department of housing and community development will be under the direction of a secretary. The secretary shall be appointed and may be removed by the governor and shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. The duties given to the secretary in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of the executive office for commonwealth development. The secretary shall be a person of skill and experience in the area of administration and housing and community development and shall devote his full time during business hours to the duties of his office. The secretary shall receive such salary as the governor shall determine. The secretary shall be the executive and administrative head of the department of housing and community development and every division, bureau, section and other administrative unit and agency within said office shall be under the control and supervision of said secretary. Said secretary shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the department of housing and community development or to any division, office, bureau, or other administrative unit or agency within said office. The secretary shall be responsible for administering and enforcing the provisions of law relative to the department and to each administrative unit thereof; provided, however, that the secretary may authorize any staff officer of the department to exercise in his name any power or to discharge any duty assigned to him by law, and may at any time revoke such authority.

(c) The secretary and the department are authorized, empowered and directed to accomplish the purposes set forth in (a) above and to:

(1) provide assistance to municipalities and regional agencies in solving local problems, including, but not limited to, problems in planning, zoning, housing and community development;

(2) facilitate communications and the free flow of information between municipalities and regional agencies and the agencies and employees of the commonwealth;

(3) encourage and assist local governments to cooperate in seeking mutual solutions to common problems, including, but not limited to, action through metropolitan and regional agencies and associations;

(4) provide and act as a clearing house for information, data and other materials useful to local governments and regional agencies;

(5) initiate and carry out studies and analyses and provide information which will aid in solving local and regional problems related to housing and to community development;

(6) assist local governments and regional agencies in their relations with state and federal agencies and programs, and participate, when requested by any municipality, in matters involving action or proposed action of an agency of the commonwealth directly affecting housing or community development in such municipality;

(7) advise and inform the governor and the secretary for commonwealth development on the affairs and problems of local government with respect to housing and community development and make recommendations, including draft legislation, pertaining thereto;

(8) discharge the duties imposed on the department by or pursuant to law in the fields of housing and community development, including creation and preservation of affordable housing for households over a broad range of incomes, state-assisted public housing, rental assistance, urban renewal, relocation, housing code enforcement, model cities, new towns, local and regional planning, empowerment zones, enterprise zones and entitlement zones;

(9) facilitate cooperation between local, state, federal and private agencies and institutions with respect to programs affecting housing and community development;

(10) seek, accept and otherwise take full advantage of all federal aid available to the department and to assist other agencies of the commonwealth and local agencies to take full advantage of federal grants and subventions available for housing and community development;

(11) render advice and assistance to municipalities in the preparation and review of ordinances and charters, including assistance

to charter commissions established under the provisions of chapter forty-three B;

(12) conduct a program of professional training for local governmental officials and personnel, which may include, but need not be limited to, the fields of municipal finance, engineering, housing, urban renewal, planning, public works and procurement of goods and services;

(13) formulate in cooperation with related state agencies and submit to the governor and the general court from time to time model codes or model provisions for ordinances or bylaws related to housing and to zoning. The model codes or model provisions shall take advantage of recommendations available from federal agencies and other national organizations;

(14) assist agencies of the commonwealth and of its political subdivisions at the request of such agency or subdivision to initiate housing and community development programs, which will help assure full and fair utilization of human resources;

(15) formulate and submit annually to the governor and the general court a five year comprehensive housing program regarding low and moderate income households, including but not limited to provisions regarding: the establishment of the number of units required, geographic distribution among the municipalities of the commonwealth as may be required by commonwealth and federal fair housing laws; recognition of needed social, educational, and health services and work opportunities; recognition of specific housing needs for persons displaced by public action; recommendations for local, commonwealth and federal programs for the acquisition and sale or rent of one, two and three unit structures; a housing financing program or programs for low and moderate income families incorporating recommendations for federal, commonwealth, municipal and private financial loan and grant participation; recommendations for programs and initiatives for implementation of land and building acquisition, construction, maintenance and rehabilitation and for leased housing and rent supplementation;

(16) formulate in cooperation with the executive office for commonwealth development and other state agencies and submit to the governor and the general court from time to time a five-year community and environmental development program, including,

but not limited to: identification of areas requiring conservation, rehabilitation or renewal and recommendations regarding the need and priority for area improvements involving sewer, water, parks, urban beautification, solid waste, recreation and traffic;

(17) to adopt from time to time a qualified allocation plan and regulations for the federal low-income housing tax credit provided in Section 42 of the Internal Revenue Code, as amended, and for the Massachusetts low-income housing tax credit established under section 6I of chapter 62 and section 31H of chapter 63;

(18) to make certifications as to the existence of facts necessary to the validity of a note or bond of a housing authority or the commonwealth's guarantee of any such note or bond, such certifications to a person relying thereon to be conclusive evidence of such facts;

(19) to request from any agency of the commonwealth such available information as is pertinent to housing and community development and to request from any municipality currently existing zoning maps and notification of zoning changes, and other available information pertinent to housing and community development from any political subdivision and to receive compliance from such municipality or political subdivision;

(20) to require that a copy of each application for a federal grant or loan for the purposes of any housing or community development program submitted to the federal government by any municipality be filed with the department;

Section 6Q. (a) The department of housing and community development shall include, but not be limited to: (1) the office of planning and sustainable development; (2) the division of housing development; (3) the division of community services; and (4) the division of public housing and rental assistance.

The Massachusetts Housing Finance Agency, the Massachusetts Home Mortgage Finance Agency, the Massachusetts Housing Partnership, the Community Economic Development Assistance Corporation, and the Massachusetts Community Development Finance Corporation shall be within the department of housing and community development. The department shall provide general policy guidance for these public instrumentalities, but shall not exercise any supervision or control with respect to such instrumentalities, except to the extent otherwise provided by law.

The manufactured homes commission shall also be within the department of housing and community development.

(b) The secretary also may from time to time establish within the department such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the secretary may abolish or merge any such bureau, section or other unit that is not otherwise established by statute.

(c) Each such bureau shall be under the direction, control or supervision of a staff officer who shall be a person of skill and experience in the field of his appointment and who shall be subject to the direction, control, and supervision of the pertinent staff officer in charge of the office of planning and sustainable development or of a division and the secretary or his delegate. The position of such staff officer in charge of a bureau shall not be subject to the provisions of section 9A of chapter 30 or chapter 31, and the staff officer in charge of a bureau shall be appointed to and may be removed from such position by the secretary. Each such staff officer in charge of a bureau shall devote his full time during business hours to the duties of his office.

(d) Within the department of housing and community development there shall be other staff officers who shall have such titles, powers and duties as may be established by the secretary for the efficient operation of the department. Any such staff officer shall be a person of skill and experience in the field of his duties who shall be appointed and may be removed by the secretary. Any such staff officer, including but not limited to a deputy secretary, assistant secretary or chief of staff, shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Each such staff officer shall devote his full time during business hours to the duties of his office.

(e) In addition to staff officers, the secretary may appoint an executive assistant and experts on housing, community development, public information and intergovernmental relations to serve in the department and may appoint such other experts and assistants as may be necessary to carry out the work of the department. Any person holding appointment under this paragraph shall not be subject to the provisions of section 9A of chapter 30 or chapter 31 and may be removed by the secretary. From time to time the secretary may, subject to appropriation and regulations pertaining to the employment of consultants, employ such consultants as he may deem necessary.

(f) The secretary of housing and community development shall appoint and may remove other employees in the department. Unless otherwise provided by law, all such appointments and removals shall be made in accordance with chapter 31.

(g) The secretary of housing and community development shall prepare and maintain on a current basis a general statement of the organization of the department, of the assignment of functions to its various administrative units, and of the established places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the description of organization of the department. A current copy of the description of organization shall be on file in the office of the state secretary and in the executive office for administration and finance.

(h) Wherever in the general or special laws there may be reference to the division of housing and community development, the executive office of communities and development, the department of community affairs, or the housing board, such reference shall be given legal effect for all purposes as a reference to the department of housing and community development. Wherever in the general or special laws there shall be reference to the director of housing and community development or the chief officer of any of the aforementioned entities, such reference shall be given legal effect for all purposes as a reference to the secretary of housing and community development. In addition, the following or equivalent words shall refer to the department of housing and community development or to the administrative unit of said department performing the pertinent function: (1) division of housing, (2) division of urban renewal, (3) bureau of relocation, (4) bureau of project development services, (5) bureau of construction services, (6) bureau of property management services, (7) bureau of community programs, (8) bureau of financial assistance, (9) bureau of planning assistance, (10) commonwealth service corps and (11) bureau of housing for the handicapped.

(i) The secretary of housing and community development shall make and from time to time revise regulations for the conduct of the business of the department and such other regulations as may be required or authorized by law. Regulations of the department of housing and community development shall be interpreted without amendment so that the word "director" when referring to the chief officer of the department shall mean the secretary of the department.

Section 6R. (a) The department of housing and community development shall include an office of planning and sustainable development. The office of planning and sustainable development shall work in close cooperation with the executive office for commonwealth development and the departments of environment and transportation and other relevant state and federal agencies to protect, improve and ensure sustainable development and utilization of the natural and built environment.

(b) The office of planning and sustainable development shall be under the direction of a director or other staff officer who shall be appointed by the secretary and who shall be subject to the direction, control and supervision of the secretary or his delegate. The staff officer in charge of the office shall be a person of skill and experience in the field of planning, community development or environmental quality and shall be appointed and may be removed by the secretary. The position of such staff officer shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such staff officer shall devote his full time during business hours to the duties of his office.

Section 6S. (a) The department of housing and community development shall include a division of housing development or a division by such other name as the secretary may determine in consultation with the secretary for commonwealth development. The division shall design and administer programs and initiatives for the production and preservation of housing (other than state-assisted public housing), and perform such other activities as the secretary may determine to be necessary or appropriate.

(b) The division of housing development shall be under the direction of a staff officer who shall be appointed by the secretary and who shall be subject to the direction, control and supervision of the secretary or his delegate. Such staff officer shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the secretary. The position of such staff officer shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such staff officer shall devote his full time during business hours to the duties of his office.

Section 6T. (a) The department of housing and community development shall include a division of community services or a division by such other name as the secretary may determine in consultation with the secretary for commonwealth development. The division shall provide support and technical assistance to municipalities and local agencies in activities for community development, shall administer programs and initiatives providing such assistance, shall help develop increased expertise and cooperation by local and regional agencies in such activities, and shall perform such other activities as the secretary may determine to be necessary or appropriate.

(b) The division of community services shall be under the direction of a staff officer who shall be appointed by the secretary and who shall be subject to the direction, control and supervision of the secretary or his delegate. Such staff officer shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the secretary. The position of such staff officer shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such staff officer shall devote his full time during business hours to the duties of his office.

Section 6U. (a) The department of housing and community development shall include a division of public housing and rental assistance or a division by such other name as the secretary may determine in consultation with the secretary for commonwealth development. The division shall design and administer programs and initiatives regarding state and federal rental subsidies and regarding the operations, management, production, preservation and modernization of state-assisted public housing, shall provide support, supervision and technical assistance to housing authorities in activities receiving state funds, and shall perform such other activities as the secretary may determine to be necessary or appropriate.

(b) The division of public housing and rental assistance shall be under the direction of a staff officer who shall be appointed by the secretary and who shall be subject to the direction, control and supervision of the secretary or his delegate. Such staff officer shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the secretary. The position of such staff officer shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. Such staff officer shall devote his full time during business hours to the duties of his office.

Section 6V. There shall be within the department of housing and community development a housing appeals committee, consisting of three members to be appointed by the secretary, of whom one shall be an employee of the department, and two members to be appointed by the governor, of whom one shall be a member of a board of selectmen and one shall be a member of a city council or similar governing body of a city. The members shall serve for terms of one year each, and the secretary shall designate the chairman. A member shall receive no compensation from the committee for his services, but shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of his official duties. Said committee shall hear all petitions for review filed under section twenty-two of chapter forty B, and shall conduct said hearings in accordance with rules and regulations established by the secretary. The department shall provide such space and clerical and other assistance as the committee may reasonably require.

Section 6W. (a) There shall be within the department of housing and community development a commission on Indian affairs, consisting of seven members who shall be appointed by the governor. All of the members shall be of American Indian descent and shall represent the major tribes of American Indian population located within the commonwealth. Appointments of members shall be for staggered three-year terms. Said commission shall meet at least four times annually. Said commission shall elect from its membership a chairman and such other officers as may be required, each to serve for a term of one year.

(b) Said commission shall investigate problems common to American Indians and persons of American Indian descent who are residents of the commonwealth. It shall assist tribal councils, Indian organizations and individuals in their relationship with agencies of state and local government, assist with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of American Indian residents, and any other rights or services concerning American Indian residents of the commonwealth. Said commission shall provide for the burial expenses, up to three hundred dollars, for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian. Said commission may make recommendations to the secretary of housing and community development concerning programs and policies that will best serve the interest of the American Indian residents of the commonwealth. It shall make an annual report of its activities to said secretary and shall file a copy thereof with the clerks of the senate and house of representatives on or before the last Wednesday in January of each year.

### *Executive Office of Economic Affairs*

Section 7. (a) The executive office of economic affairs shall serve as the principal agency of the executive department of the government for the following purposes:

(1) Developing, coordinating, administering, and controlling the economic policies and programs of the commonwealth to help grow and sustain the economy of Massachusetts and to help attract and retain businesses in the commonwealth and spread economic prosperity throughout the state.

(2) Developing, coordinating, administering, and controlling the consumer protection and business regulation policies and programs of the commonwealth to assist businesses in meeting statutory requirements and to educate, inform and protect consumers in the commonwealth.

(3) Developing, coordinating, administering, and controlling the labor policies and programs of the commonwealth to enhance the quality, diversity, and stability of the commonwealth's workforce by making available new opportunities and training for workers, job seekers, and employers; by working to prevent workplace injuries and illnesses; by providing temporary assistance when employment is interrupted; by helping to ensure that businesses are informed of all laws within its jurisdiction impacting them and their employees; and by promoting labor-management harmony.

(4) Supervising the organization and conduct of the affairs of the departments, commissions, offices, boards, divisions, institutions, and other agencies within its jurisdiction and control.

Except as otherwise provided in this chapter, the executive office of economic affairs shall have all the powers and duties established for the agencies within the jurisdiction and control of the department of consumer and commercial services, the department of business and technology, and the department of labor.

(b)(1) The executive office of economic affairs shall be headed by a secretary of economic affairs appointed by the governor. The secretary shall serve at the pleasure of the governor, shall receive such salary as the governor may determine and shall devote his full time to the duties of the office. The secretary shall be the executive and administrative head of the office and of all the departments, divisions, bureaus, boards and commissions within its jurisdiction and control. The secretary shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the executive office of economic affairs or to any office, department, division, bureau, agency or other administrative unit within the jurisdiction and control of said office.

(2) The secretary shall act as the executive officer of the governor in all matters pertaining to the commercial, consumer, economic, and labor, including the planning and policy functions and affairs of the offices, departments, divisions, commissions, bureaus, boards, institutions, and other agencies within the jurisdiction and control of the office. The secretary shall have such powers and duties as shall be assigned to the office and its administrative divisions by law and which may from time to time be assigned to the office by the governor in accordance with law.

(c) The executive office of economic affairs shall include: (1) the department of labor; (2) the department of consumer and commercial services; and (3) the department of business and technology.

(d) The secretary may appoint an undersecretary, assistant secretaries, experts, consultants, or other personnel as the secretary determines to be necessary or desirable for the effective performance of the executive office. Any such appointees shall perform such duties as the secretary shall determine, and serve at the pleasure of the secretary.

### *Department of Labor*

Section 7A. (a) The executive office of economic affairs shall include a department of labor. The department shall discharge the duties and responsibilities assigned to it by the secretary of economic affairs and by law to enhance the quality, diversity, and stability of the commonwealth's workforce by making available new opportunities and training for workers, job seekers and employers, preventing workplace injuries and illnesses, and providing temporary assistance when employment is interrupted, to help ensure that employees and the business community are informed of department laws impacting them, and to promote labor management harmony.

(b) (1) The department shall be under the supervision and control of a secretary of labor, hereinafter referred to as the secretary, who shall be appointed by and serve at the pleasure of the governor. Unless the context clearly requires otherwise, references to the "commissioner" and the "commissioner of labor and industries" in chapters 23D, and section 2RR of chapter 29, chapter 82A, section 197B of chapter 111, and chapters 111F, 136, 149, 151 and 151A, shall mean the "secretary of labor" established under this section.

(2) The secretary shall be the executive and administrative head of the department and the divisions and agencies within its jurisdiction and control. Except as otherwise provided, the secretary shall:

(i) have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the office to administer and enforce;

(ii) shall direct all inspections and investigations, and may appoint and assign the officers and employees of the office to the several divisions thereof;

(iii) in accordance with the provisions of chapter 30A, and with the advice of the deputies of the various divisions within the department, promulgate regulations with respect to the divisions under the department's control;

(iv) supervise and coordinate the activities and programs conducted within the office and its divisions;

(v) review the operation of the office and divisions in order to improve administrative organization, procedures, and practices to promote economy and efficiency;

(vi) recommend to the secretary of economic affairs changes in the laws and regulations administered or enforced by the division to improve efficiency in the administrative functions, services, procedures, and practices of the office and its divisions;

(vii) review and act upon the budgetary and other financial matters of the division;

(viii) appoint and employ all officers and employees necessary for the proper administration of the operations and programs within the control of the office; and

(ix) have such other powers and duties as shall be assigned by law and which may from time to time be assigned by the governor or the secretary of economic affairs in accordance with law.

(3) The department of labor shall have authority and responsibility over occupational hygiene and indoor air quality; trench safety under the provisions of chapter 82A; the hazardous materials right to know law pursuant to the provisions of chapter 111F; lead and asbestos abatement licensing and inspection under the provisions of subsections (b), (c), (e) and (f) of section 197B of chapter 111; the workplace safety and health and prevailing wage provisions not expressly assigned to the attorney general under the provisions of chapter 149 and other prevailing wage statutes; minimum fair wage provisions not expressly assigned to the attorney general pursuant to chapter 151; and the unemployment compensation system under the provisions of chapter 151A. Notwithstanding any general or special law to the contrary, the attorney general shall have exclusive authority to conduct field investigations, inspections and prosecutions with respect to, and otherwise to enforce, said chapters 149 and 151, all regulations of the department there under, and all other laws pertaining to wages, hours and working conditions, child labor and workplace safety and fair competition for bidders on public construction, except the laws pertaining to lead and asbestos hazards and workplace hygienic standards which the department shall enforce.

(c) (1) The department of labor shall include: a division of employment and training, which shall administer and enforce the provisions of section 2RR of chapter 29 and chapter 151A; a division of occupational safety, which shall administer the department's obligations under chapter 82A; subsections (b), (c), (e) and (f) of section 197B of chapter 111, the provisions of chapter 111F, the provisions of chapter 149 relating to prevailing wage and workplace safety and health and the minimum fair wage provisions assigned to the department under chapter 151; a state workforce investment board as empowered by Public Law 105-220 and such executive orders as the governor may issue; a division of industrial accidents as empowered by this chapter and chapter 152; the labor relations commission as established and as empowered by this chapter and chapter 150A and chapter 150E; the board of conciliation and arbitration as established and empowered by this chapter and chapter 150; the joint-labor management committee as established and empowered by this chapter and section 4A of chapter 1078 of the acts of 1973; the division of apprentice training as established and empowered by this chapter; and the commonwealth corporation, as established and empowered by section 64 of chapter 365 of the acts of 1996.

(2) The division of industrial accidents, the labor relations commission, the joint-labor management committee, and the board of conciliation and arbitration shall not be subject to the jurisdiction of the executive office of economic affairs or the department of labor, except to the extent of compliance with reasonable requests for the sharing of information that do not interfere with the efficient and independent functioning of said offices, divisions or agencies.

(3) The secretary may establish within the department such other offices, divisions, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the secretary may abolish or merge any such division, bureau, section, or other unit that is not otherwise established by statute.

(d) (1) The secretary may, with the approval of the governor, appoint a commissioner for each division within the department that is subject to the secretary's control. The secretary may appoint undersecretaries, including, but not limited to, an undersecretary of workforce development and may employ such experts as may be necessary to assist the office in the performance of any duty imposed upon it by law. The secretary shall receive such salary as determined by the governor. The secretary, as well as all undersecretaries, commissioners, deputies, inspectors and other permanent or full-time employees of the department shall devote their whole time during business hours to the duties of their office and shall not engage in other employment or business activities during such hours. Commissioners and inspectors and such other employees as may be designated by the secretary shall, before entering upon their duties, be sworn to the faithful performance thereof.

(2) The secretary may employ such experts as may be necessary to assist the office in the performance of any duty imposed upon it by law. Except as otherwise provided, the secretary may employ and remove such inspectors, investigators, clerks and other assistants as the work of the office and its divisions, bureaus, boards and commissions and other administrative units may require. The secretary may require that certain inspectors in the department shall be persons qualified by training and experience in matters relating to health and sanitation.

(3) Subject to appropriation, the department shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for the travel expenses of its officers and employees incurred in the performance of their duties and for other necessary expenses of said office. Said department may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the department in the discharge of its duties. Such funds shall be deposited in a separate account with the state treasurer and received by him on behalf of the commonwealth. All such funds may, subject to the rules and regulations promulgated by the secretary of administration and finance, be expended by the secretary of labor, in accordance with law.

Section 7B. (a) There shall be in the department of labor a division of employment and training for the purposes of administering and enforcing unemployment insurance, labor exchange, and workforce training programs in the commonwealth. The division shall also administer and enforce such other state and federal programs assigned to it by law or by the secretary, including, but not limited, to relevant titles of the federal workforce investment act, Public Law 105-220 of 1998 or successor legislation.

(b) (1) The division shall be under the supervision and control of a commissioner who shall be appointed by and serve at the pleasure of the secretary of labor. The commissioner shall devote full time during business hours to the duties of the office and shall not engage in other employment or business activities during such hours. The commissioner shall be the executive and administrative head of the division and shall have the following powers and duties:

(i) administer and enforce the provisions of chapter 151A;

(ii) provide, coordinate and oversee the provision of employment and training services as part of the one-stop delivery system;

(iii) collect, analyze and disseminate economic information to the public, businesses and policy-makers;

(iv) manage the Workforce Training Fund established by chapter 29;

(v) cooperate with the Massachusetts rehabilitation commission in the placement of handicapped persons under the provisions of section 81 of chapter 6;

(vi) make any expenditures, require any reports and take any other action, necessary and suitable to carry out the provisions of this section;

(vii) make an annual report to the governor and to the general court covering the administration and operation of chapter 151A during the preceding fiscal year, together with such recommendations deemed proper;

(viii) appoint and employ all officers and employees necessary for the proper administration of the operations and programs within the control of the division; and

(ix) administer any other activities or programs which are assigned to the division by law or which may from time to time be assigned by the governor, the secretary of economic affairs or the secretary of labor.

(2) The division shall serve as the principal agency within the department of labor with the authority and responsibility to:

(i) administer the unemployment insurance, the unemployment health insurance, including the medical security plan, and the workforce training fund programs in accordance with chapter 151A;

(ii) cooperate with the United States Secretary of Labor in the provision of labor exchange services pursuant to the Wagner-Peyser Act;

(iii) provide economic information as the official employment statistics agency in the commonwealth pursuant to section 15 of the Wagner-Peyser Act;

(iv) coordinate, supervise and oversee the provision of employment and training services in the one-stop career centers;

(v) on behalf of the secretary administer the workforce training fund established and authorized under section 2RR of chapter 29;

(vi) cooperate with the United States Secretary of Labor in the provision of rapid response services to dislocated workers including the provisions of the NAFTA/Trade Adjustment Assistance Act and national emergency grants and assistance;

(vii) where a large loss of employment, plant closure or business failure is unavoidable, assist efforts to secure alternative employment and retraining opportunities for displaced workers, including, but not limited to, cocoordinating the delivery of available state and federal resources and services;

(viii) administer the entrepreneurial training programs of the commonwealth; and

(ix) administer job search and structured job search programs for eligible transitional assistance recipients of the commonwealth.

(3) The commissioner shall assure that all information secured as an incident to the public employment service program is used solely for the purpose of administering the commonwealth system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the united states undersecretary of labor, provided that such disclosure will not impede the operation of or be inconsistent with the purposes of the public employment service program, or where such disclosure is otherwise authorized or required by law. Whoever discloses such information other than as required or authorized by law shall be subject to the penalty set forth in section 46 of chapter 151A.

(c) (1) There shall be in the division, but not subject to the control of the commissioner, a state advisory council of six members, citizens of the commonwealth, to be appointed by the governor. Two of said members shall be persons who, because of their vocations, employments, occupations or affiliations, can be classed as employers; two shall be persons who, for like reasons, can be classed as employees; and two shall be persons representative of the public. The governor shall from time to time designate as chairperson one of the members who was appointed as representative of the public. Of the members originally appointed, one of each of the aforesaid groups shall be chosen for a term of four years, and one of each group for a term of six years; and thereafter as their terms expire the governor shall, with like advice and consent, appoint members for terms of 6 years. Vacancies shall be filled by appointment by the governor, for the remainder of the unexpired term. All members shall serve until the qualification of their respective successors. Each of the members of the council shall receive the sum of 40 dollars as compensation for each day's attendance at meetings of the council; provided, that the total amount paid hereunder to any such member shall not exceed 2,400 dollars in any period of 12 months. The council shall meet at least once a month, but not more than 60 times a year. Members of the council shall receive their traveling and other necessary expenses incurred in the performance of their duties. The commissioner shall provide for the council suitable quarters and such clerical and other assistance as the council may deem necessary.

(2) The division may establish a board of review consisting of 3 persons to be appointed by the governor. In the event that such a board is established, the board shall hear all matters involving appeals from decisions of the commissioner or, if not established by the division, the commissioner shall develop internal appellate procedures or contract for the fulfillment of the appellate duties specified for the board in chapter 151A with any state agency.

(3) In accordance with the provisions of chapter 30A and with the approval of the state advisory council established this section, the commissioner may adopt, amend, alter or repeal, and shall enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and enforcement of the programs within the control of the division.

(4) The commissioner may establish within the division such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the division. When necessary for the efficient and economical administration of the work of the division, the commissioner may abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(d) The commissioner shall select all persons appointed or employed by the division on a non-partisan merit basis. The commissioner shall not appoint or employ any person who is serving as an officer or committee member of any political party. The commissioner shall fix the duties of all persons appointed and employed by him, and may authorize any such person to perform such duties, functions and powers of the commissioner as may be necessary or suitable for the administration and enforcement of the programs within the control of the division. The commissioner may, in his discretion, bond any person handling moneys or signing checks hereunder.

Section 7C. (a) The department of labor shall include a division of occupational safety for the purpose of preventing occupational injuries, illnesses, and fatalities and other physical and economic dangers to workers in the workplace by fulfilling the department's statutory obligations with regard to employment agency work practices, hazardous work activities such as lead and asbestos removal, trench safety, and air-quality and other health related factors in the workplace, and by the provision of consultation services to employers regarding safe work practices and the administration of the minimum wage and prevailing wage laws of the commonwealth.

(b)(1) The division shall serve as the principal agency within the department of labor for the following purposes:

(i) to administer and enforce of the relevant provisions of occupational safety and health and to investigate workplace safety and health conditions and to determine the degree of such hazards;

(ii) to assist in the preparation of rules and regulations for the preventions of occupational accidents and diseases, and, in cooperation with the department of public health or otherwise, to promote occupational health and safety education;

(iii) to cooperate with the division of inspection and regulation in the joint administration and enforcement of the provisions of chapter 82A to ensure excavation and trench safety;

(iv) to administer and enforce the provisions of section one subsections (b), (c), (e) and (f) of section 197B of chapter 111, the worker safety and licensing provisions of the lead poisoning and prevention control act;

(v) to administer and enforce the provisions of chapter 111F, the right to know law;

(vi) to administer and enforce the provisions of sections 6A through 6G of chapter 149, the asbestos abatement law;

(vii) to administer and enforce the provisions of sections 46A through 46R of chapter 140, the employment agency law;

(viii) to administer the provisions of chapter 149 regulating workplace conditions and workers' wages;

(ix) to administer the prevailing wage law under the provisions of sections 26 to 27H of chapter 149, section 7A of chapter 71, section 29 of chapter 121B, section 1 of chapter 5, and paragraphs 18 and 19 of section 22 of chapter 7; and

(x) to administer the provisions of chapter 151, the minimum fair wage and overtime law.

(2) The commissioner shall:

(i) supervise and coordinate the activities and programs conducted within the division;

(ii) review the operation of the division with a view of improving administrative organization, procedures and practices, promoting economy and efficiency within the division;

(iii) recommend to the secretary changes in the laws and regulations administered or enforced by the division to improve efficiency in the administrative functions, services, procedures and practices of the division;

(iv) review and act upon budgetary and other financial matters of the division;

(v) subject to the approval of the secretary, establish such policies and programs within the division as appropriate for the effective administration and operation of said division; and

(vi) exercise such other powers and duties as shall be assigned to him by law and may be assigned to him by the secretary in accordance with law.

(c)(1) The division will be under the direction of a commissioner who shall be appointed by and serve at the pleasure of the secretary. The commissioner so appointed shall have experience and skill in the area of labor and worker safety and health. The commissioner shall receive such salary as the secretary may determine, and shall devote his full time to the duties of his office. The commissioner shall act as the executive and administrative head of the division for accomplishing the purposes of the division under his direction.

(2) The commissioner may employ such experts as may be necessary to assist the division in the performance of any duty imposed upon it by law. The commissioner may employ and remove such inspectors, investigators, clerks and other assistants as the work of the division may require. The commissioner as well as all assistants, inspectors, and other permanent or full-time employees of the division shall devote their full-time during business hours to the duties of their office and shall not engage in other employment or business activities during such hours. Such number of inspectors as the commissioner may deem necessary shall be trained and have work related experience in matters relating to occupational safety and health.

(3) In addition to such staff and facilities as may be necessary in the efficient performance of its duties, there shall be employed in the division of occupational safety persons having special knowledge of the causes and prevention of occupational diseases. It shall be the duty of the division to investigate conditions of occupation with reference to hazards to health and to determine the degree of such hazards, to investigate and evaluate methods for the control of such hazards, to assist in the preparation of rules and regulations for the preventing of occupational accidents and diseases, and, in co-operation with the department of public health or otherwise, to promote occupational health and safety education.

Section 7D. There shall be in the department of labor a state workforce investment board for the purpose of advising the governor on workforce development issues in order to help better coordinate resources and develop a strategic plan for the workforce investment system. The board shall review workforce investment programs and service delivery and make recommendations to the governor in order to help ensure that employers have access to a skilled and educated workforce, and that residents have the employment skills necessary to support themselves and their families in a dynamic, global economy. The membership of the board shall be established by executive order pursuant to the requirements of the federal Workforce Investment Act of 1998, Public Law 105-220, or successor legislation as circumstances from time to time shall require. The board shall have the duties and responsibilities as set forth in Public Law 105-220 and any additional duties assigned to it by the governor or by law. The board shall serve as the human resources investment council for the commonwealth. The administrative staff of the board shall be supervised by and report to the secretary of labor. The board shall contract with the department for personnel services and other operating needs.

Section 7E. (a) There shall be within the department of labor a division of industrial accidents for the purposes of administering and enforcing the workers' compensation system of the commonwealth under chapter 23E and chapter 152. The division of industrial accidents shall not be subject to the jurisdiction or control of the executive office or the department, except to the extent of compliance with reasonable requests for the sharing of information and the preparation and submission of an annual budget and other funding requirements and requests.

(b) The division shall be under the supervision and control of a commissioner of industrial accidents who the governor shall appoint to serve for a term coterminous with that of the governor. Upon the expiration of the term of office, the commissioner may be reappointed by the governor. The position of commissioner shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The commissioner shall devote his full time to the duties of his office and shall not engage in other employment or business activities during regular business hours. The commissioner shall be the executive and administrative head of the division.

(c) The commissioner shall have charge of the administration of the division and enforcement of all laws, rules and regulations which it is the duty of the division to administer and enforce. He shall have authority pursuant to the provisions of chapter 30A to issue any regulation for the enforcement and administration of the provisions of this chapter and chapter 152. The commissioner shall prepare an annual operating budget and other funding requirements and requests pursuant to said chapter 152 to be submitted to the secretary of labor.

(d) The commissioner may establish within the division such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the division. When necessary for the efficient and economical administration of the work of the division, the commissioner may abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(e) There shall be within the division of industrial accidents a bureau of dispute resolution, under the supervision and direction of a senior judge who shall be appointed by the commissioner.

(1) There shall be within the bureau of dispute resolution an industrial accident board, in this chapter and in chapter 152 called the board, which shall consist of 21 members, who shall be administrative judges appointed for six year terms by the governor with the advice and consent of the council, not more than eleven of whom shall be from the same political party. Any member appointed to the board shall be an attorney admitted to the Massachusetts bar.

(2) The initial appointment of all members shall be for a term of six years; subsequent reappointments of sitting members shall be for an additional term of six years which shall commence on the date of expiration of the initial or subsequent term. The appointment or reappointment of members shall be made by the governor with the advice and consent of the council.

(i) Nominees shall be submitted to the governor from a nominating panel under procedures to be established by the governor pursuant to executive order. Prior to the expiration of the term of office of a member, the conduct of said member shall be reviewed by such nominating panel, which shall recommend whether said member shall be retained in office. Such review shall include a report from the commissioner.

(ii) If the workload of the board so requires, the governor with the advice and consent of the council, may, upon request of the commissioner, recall any former member of the board to sit as a member in any conference or hearing conducted under the provisions of chapter 152. Such former member when recalled, shall be assigned to such proceedings as the commissioner shall determine, and when so recalled and assigned he shall have all the powers and duties of a member of the board. The period for which a former member may be recalled shall not exceed 1 year, but the governor may, upon the request of the commissioner and the advice and consent of the council, recall said member for successive 1 year periods.

(iii) No former member of the board shall represent any person before the board during the period for which he has been recalled as a member or decide cases in which he had an interest or involvement during his absence from the board. A former member so recalled shall be paid by the commonwealth in addition to any pension or retirement allowance received by him, the amount by which the regular salary of a member of the board exceeds such pension or retirement allowance which he is entitled to receive for the period.

(3) There shall be within the bureau of dispute resolution an industrial accident reviewing board, in this chapter and in chapter 152 called the reviewing board which shall consist of 6 members, not more than 3 of whom shall be a member of one political party. Any member appointed to the reviewing board shall be an attorney admitted to the Massachusetts bar or be a current or past member of the industrial accident board or the reviewing board at the time of such appointment.

(i) Members of the reviewing board shall be administrative law judges appointed by the governor with the advice and consent of the council, for 6 year terms. The initial appointment of all members shall be for a term of six years; subsequent reappointments of sitting members shall be for an additional term of six years which shall commence on the date of expiration of the initial or subsequent term. The appointment or reappointment of members shall be made by the governor with the advice and consent of the council.

(ii) Nominees shall be submitted to the governor from a nominating panel under procedures to be established by the governor pursuant to executive order. Prior to the expiration of the term of office of a member, the conduct of said member shall be reviewed by such nominating panel, which shall recommend whether said member shall be retained in office. Such review shall include a report from the commissioner.

(4) The industrial accident board and the industrial accident reviewing board shall be under the supervision and administrative control of the senior judge. The senior judge shall direct and supervise the activities of all members of the board and the reviewing board. The commissioner shall assign such necessary support staff to the bureau of dispute resolution. The senior judge shall cause a statistical list to be maintained of all matters heard or conferred on by each board member along with a list of conference orders and decisions filed by each member and all lump sum settlements approved by the reviewing board and at the end of each month shall cause said list to be published forthwith and made available for inspection by the public. Every decision and order of any member of the board and every decision by the reviewing board shall be open to the public. Decisions of the reviewing board shall be indexed and published. Members of the industrial accident board and the industrial accident reviewing board shall be subject to the provisions of chapters 268A and 268B.

(5) The senior judge shall be selected from among the current administrative judges or administrative law judges by the commissioner. The senior judge must possess the following qualifications:

(i) no less than two years of experience as an administrative judge or administrative law judge at the industrial accident board;

(ii) proven knowledge of chapter 152, its regulations and other relevant laws;

(iii) demonstrable administrative and management ability; and

(iv) superior writing skills as may be shown by hearing or review board decisions, law review articles or any other appropriate written materials.

(6) The term as senior judge of any administrative judge or administrative law judge who is appointed to serve as the senior judge under this section shall be coterminous with the governor. The senior judge may be removed by the governor upon the recommendation of the commissioner. The senior judge may appoint,

subject to the approval of the commissioner, such personnel as are necessary for the performance of the senior judge's duties.

(7) The senior judge shall be responsible for the operation of the bureau of dispute resolution. The powers and duties of the senior judge shall include, but not be limited to, the following:

(i) the initial training of newly appointed administrative judges and administrative law judges as to their responsibilities and powers including, but not limited to, the conduct of conferences and hearings, the prompt, clear, and concise writing of orders and decisions and the management of claims to assist workers in their return to work;

(ii) the establishment of an annual workers' compensation judicial training program to instruct all administrative judges or administrative law judges in matters related to their professional development;

(iii) the establishment of criteria, in conjunction with the commissioner, upon which to perform an annual review of each administrative judge and administrative law judge;

(iv) the fair allocation of all claims and complaints to ensure each administrative judge receives a balanced and equitable case load during the calendar year;

(v) the establishment of criteria under which a claimant may claim a hardship and request a conference on the first available date;

(vi) the training, supervision and review of conciliators, and the association, where feasible, of particular conciliators to particular judges for the purpose of fostering more effective conciliation of disputes; and

(vii) the development of a standard form for pre-conference memoranda to be prepared by the parties.

(8) The senior judge shall accept motions for expedited conferences relating to fraudulent behavior, illegal discontinuance of compensation, catastrophic injuries, medical emergencies, or denials pursuant to section 15A of chapter 152. The motions and the procedure at the sessions shall conform to requirements set forth by the senior judge. The motion sessions shall be presided over by an administrative law judge or conciliator selected by the senior judge. If the administrative law judge, administrative judge

or conciliator grants the motion for an expedited conference, said conference shall be held within 14 days.

(9) The commissioner and the senior judge shall have authority to initiate proceedings for the removal of a board or reviewing board member when the commissioner and the senior judge are of the opinion that such member has been guilty of misconduct, material neglect of duty, inability to perform the duties required of a member, or incompetence in the conduct of office. Upon recommendation of the commissioner and the senior judge, the governor shall commence an investigation of such member's record and practices, and shall require the commissioner and senior judge to provide any performance evaluations of such member made under the provisions of this chapter along with any supporting documentation. Upon completion of his investigation, the governor may, with the advice and consent of the council, remove such member for misconduct, material neglect of duty, inability to perform the duties required of a member or incompetence in the conduct of his office. The member shall be provided with a written statement of the grounds for removal and a summary of the investigation by the governor. Removal procedures shall afford confidentiality, subject to considerations of due process and the provisions of section 10 of chapter 66. Any member so removed shall have the right to appeal his removal to the superior court department of the trial court.

(10) There shall be within the division an office of legal counsel under the direction of a general counsel who shall be appointed by the governor's counsel. The office of the legal counsel shall be responsible for the investigation, defense and claims handling for claims against the Workers' Compensation Trust Fund, and for any other duties the commissioner may request as well as for the development of a standard form for pre-conference memoranda to be prepared by the parties.

(f) There shall be within the division an industrial accident nominating panel established by the governor.

(1) The panel shall include the governor's counsel, the secretary of labor, the secretary of business and technology, the commissioner of the division and the senior judge, and other members to be appointed by the governor, two of whom shall be representatives of business, two of whom shall be representatives of orga-

nized labor, one of whom shall be a health care provider, one of whom shall be an attorney who represents claimants in workers' compensation matters, one of whom shall be an attorney who represents employers or insurers in workers' compensation matters, and one of whom shall be an attorney who does not practice workers' compensation law. One of the representatives of business shall be the president of the Associated Industries of Massachusetts, or his designee, and one of the representatives of organized labor shall be the president of the Massachusetts AFL-CIO, or his designee. All members of the nominating panel shall serve at the pleasure of the governor.

(2) Prior to any submission of nominations for appointment or reappointment to the industrial accident board or industrial accident reviewing the nominating panel shall review applications for such nominations and consider the following factors:

(i) skills in fact-finding; and

(ii) basic understanding of human anatomy and physiology; and a bachelor's degree or demonstrated writing ability as evidenced by four or more years in positions in which writing skills are a major job responsibility.

(3) Such review shall be made on the basis of the application, experience, education and training of the applicant, writing samples, interviews, and any other information the panel may require.

(4) When the application is for reappointment, the panel shall require, in addition to any other information, a performance evaluation prepared by the senior judge and commissioner for each year since the candidate's last appointment.

(5) The performance evaluation shall be a written report which contains the following information: Average time for the disposition of cases before the applicant, and, where applicable, a comparison of such applicant's speed of disposition with the other board members; three decisions written and selected by the applicant; the total number of proceedings scheduled before the applicant and total number of orders and decisions filed; where applicable, the total number of cases decided by such applicant heard by an appellate body, and the number of such cases which were remanded for further proceedings; any decisions of an appellate body which specifically reference the candidate's judicial demeanor or temperament; at the discretion of the commissioner,

written complaints from attorneys received by the commissioner regarding the candidate's judicial demeanor or temperament; evidence of any demonstrable bias against particular defendants, claimants or attorneys.

(i) In no instance shall a calculation of the number or percentage of orders or decisions made in favor of employees, insurers or employers be a part of any performance evaluation of a member of the board or reviewing board. Any information regarding a candidate compiled by the nominating panel shall be forwarded to the governor and to the workers' compensation advisory council.

(ii) Said council may rate the candidate as highly qualified, qualified, or unqualified. If such candidate is appointed or reappointed by the governor the performance evaluation and any ratings by said council shall be forwarded to the executive council.

(g) There may be within the division an advisory council on workers' compensation in this chapter and in chapter 152 called the advisory council to be appointed by the governor.

(1) The voting membership of said council shall be composed of five members representing employers in the commonwealth, at least one of whom shall represent manufacturing classifications, at least one of whom shall represent small business, at least one of whom shall represent contracting classifications, and at least one of whom shall represent self-insurers, and five members representing employees, all of whom shall be members of a duly recognized and independent employee organization, council, or union, and at least one of whom shall be a disabled worker. At least one employer representative shall be from a list of nominees provided by Associated Industries of Massachusetts. At least one employee representative shall be from a list of nominees provided by the Massachusetts AFL-CIO. The governor shall also appoint one member representing the insurance industry, the workers' compensation claimants' bar, one member representing the commonwealth's medical providers, and one member representing vocational rehabilitation providers, none of whom shall be voting members. The secretary of labor and the secretary of business and technology shall be ex officio, nonvoting members.

(2) Any person appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for

the unexpired portion of such term. The chairman and the vice-chairman of such advisory council, one of whom shall be an employee representative and one of whom shall be an employer representative, shall be appointed from among voting members by the governor for two year terms. Such appointees shall not succeed themselves as chairman or vice-chairman.

(3) Members shall receive their traveling and other necessary expenses incurred in the performance of their duties. Such expenses shall be paid from the special fund established in section 65 of chapter 152.

(4) Meetings of said advisory council shall be called by the chairman or upon petition by a majority of voting members. Such meetings shall be subject to the provisions of section 11½ of chapter 30A. Said advisory council shall take no action pursuant to its authority under this chapter or said chapter 152 unless a quorum of its voting members are present. The presence of seven voting members of the advisory council, at least two of whom shall be representatives of employees, shall constitute a quorum. No action shall be taken by the advisory council without the affirmative vote of at least seven members.

(5) The advisory council shall monitor, recommend, give testimony, and report on all aspects of the workers' compensation system, except the adjudication of particular claims or complaints. Its powers include:

(i) the issuance of reports, recommendations for legislation, policies and programs;

(ii) the conducting of research, the collecting of data from public and private sources; and

(iii) any powers granted under the provisions of chapter 152.

(6) The advisory council shall report at least annually in writing by the last day of the fiscal year of the commonwealth to the secretary of labor on the state of the workers' compensation system, and shall cause a copy of such report to be filed with the clerks of the house and senate of the general court who shall send copies of such report to the joint committee on commerce and labor and the house and senate committees on ways and means. The report shall include an evaluation of the operations of the department along with recommendations for improving the workers' compensation system. Said advisory council shall also review the annual oper-

ating budget of the department, as prepared by the commissioner and as submitted to the secretary of labor.

(7) Upon the affirmative vote of at least seven voting members, the advisory council may submit its own recommendation for the total operating budget to the secretary of labor.

(8) The advisory council shall make a continuous investigation and study of worker compensation issues involving public employees, including, but not limited to, the circumstances of public employees not subject to the workers compensation law, and problems resulting from the claims processing time periods for public employees.

(9) The advisory council may expend, for the legal, actuarial, research, clerical, and other expenses involved in the completion of such investigations and studies, such sums as may be appropriated therefor. The costs of such investigations studies shall be paid from the special fund created under said section 65 of said chapter 152. Said council shall file the results of its investigations and studies, and its recommendations, if any, together with any drafts of legislation necessary to carry its recommendations into effect with the governor and with the clerks of the house and senate of the general court.

(10) The advisory council shall appoint such personnel as are necessary for the proper discharge of its duties, subject to the approval of the secretary of labor. The staff of the advisory council shall be funded from monies collected for the special revenue fund in accordance with the provisions of section 65 of said chapter 152. The advisory council may expend for personnel and office expenses funds appropriated to the division for that purpose.

(h) For the purpose of investigating fraud and collecting data regarding workplace injuries, the division of industrial accidents shall have the right to request and receive information from the secretary of state, the department of revenue, the division of employment and training, the registry of motor vehicles, the department of transitional assistance, the department of consumer and commercial services, the insurance fraud bureau of Massachusetts, the workers' compensation rating and inspection bureau, and individual insurers, self-insurers and self-insurance groups and shall forward information regarding fraudulent activities to these entities upon request. Such information shall be provided to the commissioner within thirty days unless otherwise authorized by the commissioner. The division shall document evidence of any fraudulent activity and promptly refer such documentation to the office of the attorney general.

Section 7F. (a)(1) There shall be in the department of labor, but not subject to the control or jurisdiction thereof, a commission to be known as the labor relations commission, in this and the following sections referred to as the commission.

(2) The labor relations commission is a neutral, quasi-judicial agency with the sole and primary responsibility for the enforcement and adjudication of matters arising under the collective bargaining laws, chapter 150E, and chapter 150A, including, without limitation, investigating and adjudicating prohibited practice disputes and representation petitions, conducting secret ballot elections to determine whether a union shall represent a group of employees and preventing and terminating public employee strikes and other disruptions of public services.

(3) The commission, insofar as it includes divisions, boards, commissions, committees, and sections subject to its direction and jurisdiction, is hereby declared to be within the department of labor, but not subject to the control or jurisdiction thereof. Nothing in this section shall be construed as conferring any powers or imposing any duties upon the secretary of economic affairs or the secretary of labor with respect to the commission except as expressly provided by law.

(4) The commission shall be composed of 3 members who shall be appointed by the governor. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. Any vacancy in the commission shall be filled by appointment in like manner. The governor shall designate one member to serve as chair of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(5) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and two members of the commission shall at all times consti-

tute a quorum. The commission shall have an official seal, which shall be judicially noticed.

(6) The positions of the chairman and other members shall be classified in accordance with section 45 of chapter 30 and the salaries shall be determined in accordance with section 46C of said chapter 30 and each shall devote full time during business hours to the duties of his office and shall be eligible for reappointment. Members shall devote their whole time to the work of the commission and shall not engage in any profession, practice or business. The commission shall appoint an executive secretary, and such attorneys, examiners and regional directors and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by the general court.

(7) The commission may establish or utilize such regional, local or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the commission, appear for and represent the commission in any case in court. Nothing in this chapter shall be construed to authorize the commission to appoint individuals for the purpose of conciliation or mediation or for statistical work where such services may be obtained from divisions or agencies within the department of labor.

(b)(1) The commission shall have the following powers and duties:

(i) The commission shall at the close of each fiscal year make a report in writing to the general court stating in detail the cases it has heard, the decisions it has rendered, the names, salaries and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

(ii) The principal office of the commission shall be in the city of Boston, but it may meet and exercise any or all of its powers at any other place. The commission may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the commonwealth. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the commission in the same case.

(iii) The commission shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this chapter, chapter 150A, and 150E. Such rules and regulations shall be effective upon publication in the manner in which the commission shall prescribe.

(2) In addition to those set forth above, and consistent with the purpose set forth above, the commission shall have the powers and duties as set forth in chapter 150A and chapter 150E, including, without limitation:

(i) investigating and conducting investigatory hearings concerning charges of prohibited practice;

(ii) conducting investigations and investigatory hearings concerning issues raised by the filing of representation petitions and petitions to clarify and/or amend bargaining units;

(iii) conducting secret ballot elections for employees to determine whether they wish to be represented by a union;

(iv) certifying employee organizations that receive a majority of votes in elections as the exclusive representative of an appropriate unit of employees;

(v) preventing and terminating illegal strikes;

(vi) investigating and adjudicating allegations concerning the payment of agency service fees;

(vii) maintaining files on employee organizations;

(viii) processing requests for binding arbitration;

(ix) serving as lower court with responsibility for assembling and transmitting record for appellate review of its decisions in the appeals court;

(x) defending its final orders and decisions in the appeals court; and

(xi) seeking judicial enforcement of its final orders in the appeals court or its interim orders in strike cases in superior court.

Section 7G. (a)(1) There shall be in the department of labor, but not subject to the control or jurisdiction thereof, a board of conciliation and arbitration. It shall be the responsibility and objective of the board of conciliation and arbitration to take such steps as will most effectively and expeditiously encourage the parties to a labor dispute to agree on the terms of a settlement or to agree on the method and procedure which shall be used to resolve a dispute.

(2) The board of conciliation and arbitration shall meet its purpose and perform its functions by providing services to parties to collective bargaining agreements in the public and private sectors including, but not limited to the following:

(i) Interest Mediation. Mediation of disputes arising out of contract negotiation;

(ii) Interest Based Bargaining Training and Facilitation. Training and facilitation using a collaborative bargaining format;

(iii) Grievance Mediation. Mediation of grievances including on-site mediation and Board mediation prior to an arbitration hearing;

(iv) Unfair Labor Practices Mediation. Mediation of unfair labor practices cases referred to the Board under regulations promulgated by the Labor Relations Commission;

(v) Grievance Arbitration. Final and binding hearing and decision of disputes arising under collective bargaining agreements;

(vi) Union Elections/Card Checks. To conduct union elections and "card checks" to determine employees' choice of union representation, by agreement of the parties;

(vii) Employee Evaluation Appeals. Final and binding hearing and decision of employee evaluation (EPRS) appeals arising under individual collective bargaining agreements;

(viii) Employee Classification Appeals. Hearing and decision of employee classification appeals arising under individual collective bargaining agreements;

(ix) Issue Arbitration. By agreement of the parties, final and binding hearing and decision of disputes involving provisions of existing collective bargaining agreements or programs authorized under existing collective bargaining agreements, such as interpretations of the provisions of a specific health plan;

(x) Arbitration pursuant to section 43 of chapter 31. By agreement of the parties, final and binding hearing and decision in lieu of proceedings before the civil service commission authorized by section 576 of chapter 151 of acts of 1996; and

(xi) Arbitration pursuant to section 577 of chapter 151 of the acts of 1996: By agreement of the parties, final and binding hearing and decision in lieu of proceedings before the labor relations commission authorized by section 577 of chapter 151 of the acts of 1996.

(b)(1) Notwithstanding any general or special law to the contrary, the chairman of the board may designate the chairman, a vice-chairman or a neutral appointee of the board to act with full power of the board in the following situations:

(i) as a single arbitrator in grievance arbitration of a public or private sector dispute arising under a collective bargaining agreement;

(ii) as a single neutral arbitrator, on any other type of grievance, dispute, or matter which the board would be required or have the authority to arbitrate under the terms of any general or special law, or provision in a collective bargaining agreement;

(iii) as a single member of the board on any matter not mentioned in (a) or (b) above which the board would be required or have the authority to hear, act on, or decide under the terms of any general or special law, or provision in a collective bargaining agreement.

(2) Notwithstanding any general or special law to the contrary, in the arbitration of a grievance arising under a public or private collective bargaining agreement, the chairman of the board may appoint a nonmember to act as a temporary neutral member of the board, or to act as the single neutral arbitrator with the full power of the board.

(3) The chairman of the board of conciliation and arbitration shall promulgate rules and regulations necessary for the performance of responsibilities and powers set forth in any general or special laws.

(4) Pursuant to its responsibility to ensure prompt and fair resolution of encouraging the parties to a labor dispute to agree on the terms of a settlement or to agree on the method and procedure which shall be used to resolve a dispute, in addition to those set forth above, the board of conciliation and arbitration shall have the powers and duties as set forth in this chapter, chapter 150 and section 9 of chapter 150E, including:

(i) Determining impasse and, after declaring impasse, providing neutral mediation, and fact-finding and arbitration services to private and public-sector parties engaged in collective bargaining in the commonwealth.

(ii) Investigating and mediating strike or lockouts occurring in the commonwealth and publish reports concerning the same.

(c)(1) The board of conciliation and arbitration shall be under the supervision and control of the chairman of said board who shall be appointed by the governor for a term of five years, and subsequent successors shall be appointed in like manner. Prior to appointing the chairman, the governor shall request the recommendations of the unions and employers who commonly are involved in matters under the jurisdiction of the board. Said chairman shall devote his whole time during business hours to the work of the board and shall not engage in any profession, practice, or business during said hours. The chairman may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(2) Notwithstanding the provisions of any general or special law to the contrary, the chairman of the board of conciliation and arbitration shall, subject to appropriation, appoint and have power to remove, a vice chairman and such mediators, investigators, arbitrators, and other employees and individuals as are necessary for the operation of the board, and may utilize such voluntary and uncompensated services, as may from time to time be needed and said chairman shall assign duties and responsibilities to such individuals. In the absence of the chairman, the vice-chairman shall have the duties and responsibilities of the chairman.

(3) The employees of the board and the employees of the joint labor management committee, established under the provisions of section 4A of chapter 1078 of the acts of 1973, as amended, and the employees of any other joint labor management committee, established under the provisions of any other general or special law, may be interchanged for the purposes of resolving a particular labor dispute in the most efficient and expeditious manner, and assigned various duties and responsibilities at the discretion of said chairman after consultation with the chairman of the joint labor management committee which is involved in the interchange.

(5) The chairman and two other members shall constitute the board of conciliation and arbitration. The chairman shall be the

neutral member of said board. One of the other members shall be a representative of labor, and one a representative of the employers of labor. The representatives of labor and the representatives of the employers shall be appointed by the chairman to serve on a case-by-case basis for grievance arbitrations. Prior to the appointment of said representatives, the chairman shall consult with the union and employer involved in the case and request their recommendation as to whether each wants a representative to sit on the case and if so, the representative who they recommend represent their interests on the board.

Section 7H. (a) There shall be in the department of labor, but not subject to the control and jurisdiction thereof, a committee to be known as the joint labor-management committee, in this section referred to as the committee. The committee shall have oversight responsibility for all collective bargaining negotiations involving municipal police officers and firefighters. The committee shall, at its discretion, have jurisdiction in any dispute over the negotiations of the terms of a collective bargaining agreement involving municipal firefighters or police officers; provided, however, that the committee may determine whether the proceedings for the prevention of any prohibited practices filed with the labor relations commission shall or shall not prevent arbitration pursuant to this section.

(b)(1) The committee shall be composed of 14 members including a chairman and a vice-chairman and such alternate members as the committee shall approve. Twelve committee members shall be appointed by the governor as follows: 3 firefighters from nominations submitted by the Professional Firefighters of Massachusetts, International Association of Firefighters, AFL-CIO; 3 police officers from nominations submitted by the International Brotherhood of Police Officers, NAGE, SEIU, AFL-CIO, the Boston Patrolmen's Association IUPA, AFL-CIO, the Massachusetts Coalition of Police, IUPA, AFL-CIO; and the Massachusetts Police Association and 6 from nominations submitted by the Advisory Committee on Local Government established under section 62 of chapter 3. Said 12 members shall be appointed for a term of three years; provided, however, that in making his initial appointments, the governor shall appoint one member nominated by said professional firefighters organization for a term of one year, one such member for a term of two years, and one such member for a term of three years; one member nominated by said professional police organization for a term of one year, one such member for a term of two years, and one such member for a term of three years; and two members nominated by said advisory commission for a term of one year; two such members for a term of two years, and two such members for a term of three years. Any member of the committee may be removed by the governor for neglect of duty, malfeasance in office, or upon request by the nominating body.

(2) The chairman and vice-chairman shall be nominated by the committee, and appointed by the governor for a term of three years. The chairman shall be the chief administrative officer of the committee. The vice-chairman shall assist the chairman and may be authorized by the chairman to act for him in his absence and shall have the full powers of the chairman when so authorized and he shall vote only in the absence of the chairman.

(3) Alternate members may serve for such term and under such conditions, as the committee shall determine. Said professional police organizations, professional fire organizations, and said advisory commission shall specify alternate members to represent their respective members, subject to the approval of the full committee.

(4) Members and alternate members of the committee shall serve without compensation, but shall be entitled to reimbursement, out of any funds available for the purpose, for reasonable travel or other expenses actually incurred in the performance of their committee duties. The chairman and vice-chairman shall be compensated for time spent for the committee business on a per diem basis at a rate to be determined by the secretary of administration and finance.

(c) The committee shall have all the duties and powers as set forth in section 4A of chapter 1078 of the acts of 1973, as amended, including, but not limited to, the authority:

(1) to purchase supplies and equipment and employ clerical staff and other personnel;

(2) to promulgate rules and regulations necessary for the performance and enforcement of the responsibilities and powers set

forth in section 4A of chapter 1078 of the acts of 1973 as amended;

(3) to conduct hearings to determine the issues and positions of the parties in police and firefighter negotiations that have remained unresolved for an unreasonable period of time resulting in the apparent exhaustion of the processes of collective bargaining; and

(4) to invoke such procedures and mechanisms as it deems appropriate for the resolution of unresolved collective bargaining negotiations referred to in subparagraph (c) above.

Section 7I. (a) There shall be in the department of labor an apprenticeship council, to consist of 8 members, 6 of whom shall be appointed by the secretary with the approval of the governor, 1 of whom shall be the commissioner of employment and training or his successor, in the department of labor, ex officio, and 1 of whom shall be the associate commissioner of career and technical education or his successor, in the department of education, ex officio. Of the appointive members, 3 of whom shall be persons, who, on account of previous vocation, employment, occupation or affiliation, may be classified as representatives of labor and 3 of whom shall be persons, who, on account of previous vocation, employment, occupation or affiliation, may be classified as representatives of management. The terms of office of the representatives of labor and management initially appointed shall expire as designated by the secretary at the time of making the appointments, 1 representative each of labor and management shall be appointed for a term of 1 year, 1 representative each of labor and management shall be appointed for a term of 2 years, and 1 representative each of labor and management shall be appointed for a term of 3 years. Thereafter, each member representing labor and management shall be appointed for a term of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of the term. Each member of the council not otherwise compensated by the commonwealth may be reimbursed for transportation and other necessary expenses. The council shall not meet more than 15 days in a year.

The council shall meet at the call of the secretary and shall aid the secretary in formulating policies for the effective administration of this chapter. The council shall suggest standards for apprentice programs and apprentice agreements, which shall in no case be lower than those prescribed by this chapter. The council shall suggest such rules and regulations as it deems necessary to carry out the intent and purposes of this chapter, and shall perform such other functions as the secretary may direct.

(b) The secretary, subject to the approval of the governor, shall appoint a commissioner of apprentice training. The commissioner may appoint and employ such clerical, technical and professional assistance as shall be necessary to effectuate the purposes of this chapter, and may utilize any federal funds available to aid in the administration of this chapter.

(c) The secretary and commissioner, with the advice and guidance of the apprenticeship councils, shall administer section 7I of this chapter, shall keep a record of apprentice programs and apprentice agreements and their disposition, shall cooperate with the state department of education and the local school authorities in regard to the education of apprentices in accordance with the standards established by the secretary and commissioner for the same trade or group of trades, and shall perform such other duties as are necessary to carry out the intent of said section 7I.

The secretary and commissioner may set up and establish conditions and training standards for apprentice programs and apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by said section 7I, may create and implement a schedule of progressive sanctions regarding registration of apprentice programs, may act as secretary of the apprenticeship council, may approve an apprentice program or apprentice agreement which meets the standards established under said section 7I, may terminate or cancel an apprentice program or apprentice agreement in accordance with said section 7I, and may issue certificates of completion of apprenticeship.

(d) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:—

"Apprentice", a person at least 16 years of age who has entered an apprentice agreement with an employer, or an association of employers, or an organization of employees, or other apprentice program sponsor.

"Apprentice agreement", a written agreement between an apprentice and an apprentice program sponsor which is registered with the division and which provides for not less than 2,000 hours of reasonably continuous employment, consistent with training requirements as established by industry practice, in the occupation to which he is apprenticed. The written agreement shall also provide for not less than 150 hours per year of related instruction for a person in the occupation to which he is apprenticed, as well as participation in an approved schedule of work experience throughout a reasonably continuous period of employment.

"Apprenticeable occupation", a skilled trade which: (1) is customarily learned in a practical way through a structured, systemic program of on-the-job supervised training; (2) is clearly identified and commonly recognized through an industry; (3) involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience; and (4) requires related training to supplement the on-the-job training.

"Apprentice program", a program which is registered with the division for the recruitment, selection, employment, training and qualification of apprentices.

"Apprentice program sponsor", a person, association, committee, organization, corporation, partnership, trust or other entity operating an apprentice program and in whose name the program is registered with the division.

"Commissioner", the commissioner of apprentice training.

"Division", the division of apprentice training in the department of labor.

"Secretary", the secretary of labor.

(e) Every apprentice agreement entered shall include at least the following basic provisions:

(1) a requirement that the apprentice receive a minimum of 2,000 hours of employment as an apprentice, consistent with training requirements as established by industry practice, in the occupation to which he is apprenticed;

(2) a requirement that the apprentice receive a minimum of 150 hours per year of related classroom instruction during the period of apprenticeship in the occupation to which he is apprenticed;

(3) a schedule of the work processes to be learned in the occupation;

(4) a progressively increasing scale of wages for the apprentice, during the period of apprenticeship, averaging at least ½ of the rate of pay of a journey person over a similar period;

(5) a concise and accurate statement of the terms and conditions of the employment and training of the apprentice and a statement that the apprenticeship agreement shall be registered with the division within 30 days of its execution;

(6) a statement that such agreement may be terminated, within 6 months of its execution, by either the employer or the apprentice, for any reason;

(7) a statement that the agreement may be terminated by the commissioner any time during the duration of the agreement if the commissioner deems it proper; and

(8) a statement that the division is available to receive, investigate and resolve any complaints the apprentice has about the apprentice training program in which the apprentice is registered.

(f) No apprentice agreement shall be effective until approved by and registered with the division. An apprentice agreement shall be signed by the apprentice program sponsor and by the apprentice and, if the apprentice is a minor, by a legal guardian of the minor and by the commissioner. When a minor enters into an apprentice agreement for a period of training extending beyond the date upon which the apprentice shall attain his majority, the apprentice agreement, if approved and registered, shall be binding for the entire period referred to in the agreement, including so much thereof as may extend beyond the date upon which the apprentice attained majority.

(g) To be approved by and registered with the division, an apprentice program shall substantially conform with the following basic standards:—

(1) The ratio of apprentices to journeypersons shall not conflict with the ratio established in apprenticeable occupations operated by the joint labor management apprentice training programs approved under this chapter. Notwithstanding section 7I (g), neither the commissioner, the secretary, nor the apprenticeship council shall set up and establish conditions and training standards for apprentice programs which are in conflict with this ratio.

(2) The apprentice program shall be open to all persons at least 16 years old and shall not discriminate on the basis of age, race, color, creed, national origin, gender, sexual orientation or disability.

(3) The apprentice program shall ensure that each apprentice works a minimum of 2,000 hours of employment, consistent with training requirements as established by industry practice, at the occupation to which he is apprenticed. The apprentice program shall ensure that each apprentice receives a minimum of 150 hours annually of related classroom instruction in the occupation to be learned.

(4) The apprentice program must ensure that each apprentice is paid in accordance with a predetermined schedule of wage rates based on the journeyperson rate, said schedule to progressively increase with the apprentice's skill level and average at least 50 per cent of the journeyperson's rate for the apprenticeship term.

(5) The apprentice program shall allow credit or advanced standing to be granted to an apprentice for hands-on training or related instruction which the apprentice may have previously obtained, but all such credit or advanced standing shall comply with this chapter.

(6) The apprentice program shall establish a procedure to receive, investigate and resolve apprentices' complaints about the program. The procedure shall provide that any such complaint shall be filed within 6 months after the apprentice knew, or reasonably should have known of the act giving rise to the complaint. Notice of the complaint procedure shall be provided to all apprentices. Such notice shall advise an apprentice that the division is available to receive, investigate and resolve any complaints about the program that have not been resolved to the satisfaction of the apprentice after all internal procedures have been fully exhausted.

(h) A person, association, committee, organization, corporation, partnership, trust or other entity seeking to sponsor an apprentice program may apply for a registration in accord with procedures established by the division. The application shall describe the proposed program, giving the terms and conditions of the apprentices' employment, supervision of apprentices and provision of related instruction. The application shall also describe whether credit or advanced standing will be given for relevant hands-on training or related instruction and, if so, the terms and conditions by which such credit or advanced standing will be granted.

If the applicant is a party to a collective bargaining agreement, a statement to that effect shall be included with the application and a copy of the application shall be provided to the agent for the collective bargaining unit at least 2 weeks prior to filing the application with the division. If the applicant is involved in any abnormal labor condition, such as a strike, lockout or other similar condition, the application shall be withheld until such condition is resolved. Once a program is registered, the sponsor shall notify the division in writing within 30 days of any significant modifications to the program or of any material changes in information submitted with the application.

(i)(1) An apprentice program sponsor may voluntarily deregister its program by providing written notice to the division and its apprentices and otherwise complying with provisions established by the division.

(2) The commissioner, on his own initiative, or upon the complaint of an interested person, may investigate and determine whether there has been a violation of the terms of an apprentice agreement or apprentice program and may hold hearings, inquiries and other proceedings necessary to such investigations and determination. All hearings, investigations and determinations shall be made under authority of reasonable rules and procedure approved by the secretary.

The commissioner may deregister an apprentice program upon finding sufficient cause. Any of the following shall constitute sufficient cause for deregistration: (1) false statements or material omissions in the application for registration or documentation submitted; (2) violation of any of the requirements of this chapter; or (3) violation of a state or federal law which the commissioner determines to be of such serious and compelling nature to warrant suspension or deregistration of the apprentice program. The apprentice program sponsor shall be given a fair and impartial hearing, after reasonable notice of the hearing has been provided. If the proposed deregistration is for a specific period of time, the duration of the deregistration and any conditions that shall be met in order to be re-registered shall be provided with the notice.

An apprentice program sponsor of a deregistered program shall comply with provisions established by the division. Such provisions shall include, but not be limited to, the requirement that within 10 business days of the effective date of any deregistration, the apprentice program sponsor shall provide written notice to all apprentices in its program that, for the period of such deregistration, all apprentice agreements shall be automatically terminated.

The determination of the commissioner shall be filed with the secretary and notice of the determination shall, at the same time, be mailed, postage prepaid, to each person known by the division to be an interested person, at his last address as shown by the division's records. A person aggrieved by a determination or action of the commissioner may, within the 10 day period, appeal to the secretary, who shall hold a hearing after due notice to all interested parties. If no appeal is filed with the commissioner within 10 days after the date of such filing and notice, the determination shall become the decision of the secretary.

A party to an apprentice program aggrieved by an order or decision of the secretary may appeal to the superior court; provided, however, that such order or decision shall be conclusive if the appeal shall not be filed within 30 days after the date of the order or decision. The order or decision shall be reviewed in accordance with the standards for review provided in section 14 of chapter 30A.

No person shall institute an action for the deregistration of an apprentice program unless the person shall first have exhausted all administrative remedies provided by this section.

(3) Within 30 days of the date of the deregistration, whether voluntary or involuntary, of an apprentice program, the apprentice program sponsor shall send to the division a copy of all documents demonstrating the number of hours of hands-on training and related instruction obtained by all apprentices in the program.

(4) The division may reinstate the registration of an apprentice program in its discretion upon presentation of adequate evidence that the condition that gave rise to the deregistration has been remedied.

(j)(1) The division, upon the complaint of an interested person or upon its own initiative, may investigate and determine whether there has been a violation of the terms of an apprentice agreement, and may hold hearings, inquiries and other proceedings necessary to the investigations and determination, provided that the apprentice filing a complaint has exhausted the procedures established pursuant to this section. All hearings, investigations and determinations of apprentice agreements shall be made under authority of reasonable rules and procedure prescribed by the secretary.

(2) The division shall not be required to hold hearings in matters confined solely to identifiable apprentice agreements, which the division may deregister at any time during the period of apprenticeship if it determines appropriate.

(3) The determination of the commissioner shall be filed with the secretary and notice of the determination shall, at the same time, be mailed, postage prepaid, to each person known by the division to be an interested person, at the last address as shown by the records of the division. If no appeal is filed with the commissioner within 10 days after the date of the filing and notice, the determination shall become the decision of the secretary.

A person aggrieved by a determination or action of the commissioner may, within the time allowed, appeal to the secretary, who shall hold a hearing after due notice to all interested parties. A party to an apprentice program aggrieved by an order or decision of the secretary may appeal to the superior court; provided, however, that the order or decision shall be conclusive if the appeal is not filed within 30 days after the date of the order or decision. The order or decision shall be reviewed in accordance with the standards for review provided in section 14 of chapter 30A.

(4) The commissioner may reinstate the registration of an apprentice agreement in its discretion upon presentation of adequate evidence that the condition that gave rise to the deregistration has been remedied.

(k) Nothing in this chapter or in an apprentice program or apprentice agreement entered into and approved under this chapter shall operate to invalidate any apprenticeship provision in a collective bargaining agreement between employers and employees setting up higher apprenticeship standards.

(l) The commissioner shall require each apprentice entering into a written agreement pursuant to this chapter to submit an application to the division for an apprentice identification card.

Said application shall be accompanied by a fee paid by the apprentice or the program sponsor, together with photographic prints as required by the commissioner. The commissioner shall charge the fees necessary for the establishment and maintenance of the identification card system. The funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a special trust account for the division and may be expended, without further appropriation, under the direction of the commissioner. An apprentice identification card shall contain the photograph of the apprentice; the apprentice registration number or such other number as the commissioner requires; the name and business address of the appropriate apprenticeship committee or single employer sponsor; the steps of progression and related dates applicable to the apprentice; and the projected date on which the apprentice is projected to complete the apprenticeship. As a condition of apprenticeship, the apprentice shall keep the apprentice identification card on his person during all hours of employment during the apprenticeship.

*Department of Consumer and Commercial Services*

Section 7J. (a) There shall be within the executive office of economic affairs a department of consumer and commercial services, in this section called the "department" headed by a secretary of consumer and commercial services, in this section called the "secretary", who shall be a member of the governor's cabinet. The department shall be the principal agency of the commonwealth for establishing programs and services to assist consumers in understanding their rights and responsibilities in consumer transactions, including recommending and implementing consumer protection policies, and monitoring the marketplace to promote fair and honest competition for consumers throughout the commonwealth. The department shall use such reasonable means as may be necessary to accomplish these purposes.

(b)(1) The department shall have the powers and duties established within chapter 24A, and as otherwise provided by law.

(2) The secretary shall act as the executive officer of the governor for accomplishing the purposes of his executive office, including, but not limited to:

(i) conducting comprehensive planning with respect to the functions of said office and coordinating the activities and programs of the state agencies therein;

(ii) conducting studies of the operations of said agencies with a view to effecting improvements in administrative organization, procedures and practices, and to promoting economy, efficiency, and avoiding useless labor and expenses in said agencies;

(iii) recommending to the governor such changes as he shall deem desirable in the laws relating to the organization, structure, efficiency or administrative functions, services, procedures and practices of any such agency or agencies; and

(iv) reviewing and acting upon budgetary and other financial matters concerning said agencies in accordance with chapter 29.

(c) The department for consumer and commercial services shall include: the division of telecommunications and energy; the division of banks and loan agencies; the division of insurance; the state racing commission; the division of professional licensure; the division of standards; and the alcoholic beverages control commission.

The secretary may establish within the department such other offices, divisions, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the secretary may abolish or merge any such division, bureau, section, or other unit that is not otherwise established by statute.

(d)(1) The department will be under the direction of the secretary. The secretary shall be appointed by and serve at the pleasure of the governor. The secretary shall receive such salary as the governor may determine, provided that such salary is equivalent to the salary received by the secretary of labor and the secretary of business and technology. The secretary shall devote full time during business hours to the duties of his office. The duties given to the secretary in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of the executive office of economic affairs.

(2) The secretary shall have access to all records, as defined in section 42 of chapter 30, in the custody of all state agencies within his department, except where such access is prohibited by law. Such agencies shall furnish him with copies of all reports, notices

and other documents which they are required by law to submit to the governor, the general court or any state agency, and with all other information requested by the secretary for the purpose of discharging the duties of his office.

(3) The secretary may, subject to the approval of the secretary of administration and finance, apply for and accept on behalf of the commonwealth any funds, including grants, bequests, gifts or contributions, from any person. Such funds shall be deposited in a separate account with the state treasurer and received by him on behalf of the commonwealth. All such funds may, subject to rules and regulations promulgated by the secretary of administration and finance, be expended by the secretary, in accordance with law.

(4) Subject to appropriation, the secretary may, subject to the approval of the governor, appoint such experts, technical consultants and other assistants in his department as he shall deem necessary to perform the functions of said department.

Section 7K. (a)(1) The department of consumer and commercial services shall include a division of telecommunications and energy, for the general supervision of common carriers as defined in section 12D of chapter 159; gas and electric companies, as defined in section 1 of chapter 164; water and aqueduct companies subject to chapter 165; telephone and telegraph companies subject to chapter 166; and community antennae television systems as defined in section 1 of chapter 166A. The purpose of the division shall be to ensure public safety, just and reasonable rates, quality of service and sufficient consumer choice in the provision of electric power, natural gas, telecommunications, cable television and water services throughout the commonwealth.

(2) The division shall be under the supervision and control of a commission consisting of five members, one of whom shall have a background and expertise in electricity and energy issues, including issues related to natural gas, one of whom shall have a background and expertise in telecommunications issues, one of whom shall have a background and expertise in consumer protection and advocacy issues, and one of whom shall have a background and expertise in cable television issues. The commissioners shall be appointed by the governor for a term of three years; provided, however, that the initial term of appointment for two members shall be one year, the initial term of

appointment for two members shall be two years, and the initial term of appointment for one member who shall be designated the chairman by the governor shall be three years. Each member shall hold office until the appointment of his successor. The governor may remove any member for cause, including, but not limited to, any violation of the provisions of section 7K(a)(3), and shall fill any vacancy for the unexpired term. The commissioners shall devote their full time to the duties of their office. Not more than three members of said commission shall be members of the same political party. The salaries of commissioners shall be determined by section 7K(a)(2). Commissioners shall receive necessary expenses incurred in the discharge of their official duties. For the purposes of this section and the provisions of chapter 164, a regulated industry company shall be defined as any corporation, city, town, or other governmental subdivision, partnership, or other organization, or any individual engaged within the commonwealth in any business which is, or the persons engaged in which are, in any respect made subject to the supervision or regulation of the division by any provision of law except chapter 100A of the General Laws and chapter 651 of the acts of 1910, as amended. Except as otherwise provided for herein, any decision made or order issued by the commissioner may be made by a majority vote of a quorum of three members. The initial base salary of the chairman of the commission shall be $90,000, and the initial base salary of the other members shall be $82,500. Said salaries shall be subject to the step increases consistent with the provisions of sections 45 and 46 of chapter 30. The commission shall make an annual report of its activities in January of each year to the general court.

(3) Each commissioner shall be sworn to the faithful performance of his official duties. A commissioner shall not own, or be in the employ of, or own any stock in any regulated industry company nor shall he or she be in any way directly or indirectly pecuniarily interested in or connected with any such regulated industry company or in the employ or connected with any person financing any regulated industry company. A commissioner shall not personally or through any partner or agent render any professional service or make or perform any business contract with or for any regulated industry company, except contracts made with the com-

missioners as common carriers for furnishing of services, nor shall he directly or indirectly receive any commission, bonus, discount, present, or reward from any regulated industry company.

(4) The governor shall designate one of said commissioners as chairman. The chairman shall have supervision and control over all the affairs of the commission. He shall preside at all hearings at which he is present, and shall designate a commissioner to act as chairman in his absence. He shall not, except as is otherwise provided, be charged with any administrative functions. He shall from time to time make such division of the work among the commissioners and may refer matters related to the need for, construction of, or siting of facilities, as defined in section 69G of chapter 164, to the energy facilities siting board in accordance with section 69H of chapter 164. All of the commissioners shall, if so directed by the chairman, participate in the hearing and decision of any matter coming before the commission. Two or more commissioners shall participate in the hearing of all matters other than those of formal or administrative character coming before the commission. At least three commissioners shall participate in the decision of all formal or administrative matters. Any matter may be heard, examined and investigated by an employee of the division designated and assigned thereto by the chairman with the concurrence of one other commissioner. Such employee shall make a report in writing relative to every such matter to the commission for its decision. For the purposes of hearing, examining and investigating any matter such employee shall have all of the powers conferred upon a commissioner by section 5A of chapter 25. In every such case the vote of a quorum of three members participating in the decision shall be necessary.

(b)(1) The division shall have all powers and duties as are delegated under any general or special law relative to the general supervision of all gas and electric companies, as defined in section 1 of chapter 164. The division shall make examination and inquiries and keep itself informed as to: the condition of gas and electric company properties; the manner in which they are conducted with reference to the safety and convenience of the public; and their compliance with the provisions of law and the orders, directions and requirements of the division.

(2) The division shall have all powers and duties delegated under any general or special law relative to the general supervision of every affiliated company, as defined in section 85 of chapter 164, with respect to all relations, transactions and dealings, direct or indirect, with the gas or electric company with which it is affiliated, which affect the operations of such gas or electric company. The division shall make all necessary examination and inquiries and keep itself informed as to the relations, transactions and dealings as have a bearing upon the price or quality of gas or electricity.

(3) The division shall have authority to investigate the operation of the utility underground plant management system established under section 76D of chapter 164 and to establish such rules and regulations as may be necessary to carry out its administration.

(4) The division shall have all powers and duties conferred within chapter 164, chapter 165, chapter 166, and chapter 166A, and the general supervision and regulation of, and jurisdiction and control over, common carriers as defined in section 12D of chapter 159. The division shall also have all other powers and duties that are conferred under any other general or special law.

(c)(1) There shall be in the division, but not under the supervision and control of the division, an energy facilities siting board. Said board shall implement the provisions contained in sections 69H to 69Q of chapter 164, for the purpose of providing reliable energy supply for the commonwealth with a minimum impact on the environment at the lowest possible cost. The board shall be composed of the chairman and two additional commissioners of the division, the secretary of the environment or his designee, the secretary of business and technology or his designee, the director of energy or his designee, and three public members to be appointed by the governor for terms of three years, two of whom shall be experienced in environmental and consumer matters and one of whom shall be experienced in matters relating to the development of energy facilities. The two additional commissioners of the division shall be the commissioner with experience in electricity and energy issues and the commissioner with expertise in consumer protection and advocacy. If one of such commissioners serves as the chairman, or if one or more of these three positions is vacant, additional commissioners shall be appointed to the board in the following order to ensure that three commissioners of the division serve on the board at all times: (a) the commissioner whose expertise is not specified; (b) the commissioner with expertise in telecommunications issues; and (c) the commissioner with expertise in cable television issues. The board shall not include as a public member any person who receives, or who has received during the past two years a significant portion of his income directly or indirectly from the developer of an energy facility or an electric, gas or oil company. The public members shall receive one hundred dollars per diem for board service, and shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of official board duties. Upon the resignation of any public member, a successor shall be appointed in a like manner for the unexpired portion of the term. No person shall be appointed to serve more than two consecutive full terms.

(2) The division may establish within the division such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the division. When necessary for the efficient and economical administration of the work of the division, the division may abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 7L. (a) The department of consumer and commercial services shall include a division of banks and loan agencies for the purpose of ensuring a sound, competitive, and accessible banking and financial services environment.

(b) The division shall have all such powers and duties relative to the supervision of banks and credit unions as are delegated under any general or special law. The division shall conduct examinations; and shall undertake such other duties and responsibilities relative to banks and credit unions that are conferred upon the division of banks pursuant to the provisions of any general or special law. The division shall also have all such powers relative to the licensing and supervision of non-bank financial entities, including collection agencies under section 24 of chapter 93; small loan agencies and other authorities set forth under sections

96 through 114, inclusive, of chapter 140; check sellers under section 4 of chapter 167F; foreign transmittal agencies under chapter 169; check cashers under chapter 169A; retail installment sales of motor vehicles under chapter 255B; insurance premium financing under chapter 255C; retail installment sales and services under chapter 255D; and mortgage lenders and mortgage brokers under chapter 255E; the division shall conduct examinations; and shall undertake such other duties and responsibilities relative to non-bank financial entities that are conferred under any general or special law. The division shall also have all other powers, duties and responsibilities that are conferred under any general or special law.

(c) The division will be under the direction of a commissioner of banks. The commissioner shall be appointed by the governor to serve for a term coterminous with that of the governor. The position of commissioner shall be classified in accordance with section 45 of chapter 30 and the salaries shall be determined in accordance with section 46C of said chapter 30 and he shall devote his full time during business hours to the duties of his office. He shall not be an officer of or directly or indirectly interested in any national bank or in any bank, trust company, corporation, business or occupation that requires his official supervision, and he shall not engage in any other business. He shall give bond with sureties in the sum of twenty thousand dollars, to be approved by the state treasurer, for the faithful performance of his duties. Subject to the approval of the governor, the commissioner may appoint and remove a senior deputy commissioner, and a deputy commissioner. In case of a vacancy in the office of the commissioner, and during his absence or disability, the senior deputy commissioner shall exercise and perform the powers and duties of the office of commissioner. In case of the absence or disability of the commissioner and the senior deputy commissioner, the deputy commissioner shall exercise and perform the powers and duties of the office of commissioner. The commissioner may appoint and remove such assistants as the work of the division may require. He shall be allowed necessary expenses, including those for the investigation of, and prosecution for, violation of any provision of law within the division's jurisdiction, and the actual expenses incurred by him and his subordinates in traveling in the performance of official duties. The assistants shall give bonds, with sureties to be approved by the commissioner, for the faithful performance of their duties. The commissioner of banks, with the approval of the governor, may appoint and remove a deputy as supervisor of loan agencies, who shall give bond in the sum of five thousand dollars, with sufficient sureties, payable to and approved by the state treasurer.

(d)(1) There shall be a board of bank incorporation serving in the division, consisting of the commissioner of banks, the commissioner of revenue, and the state treasurer. The commissioner of banks shall serve as chairman of the board. The board shall have all powers relative to bank holding companies, banks, and other entities as are delegated under any general or special law and shall also have all other duties and responsibilities that are conferred under any general or special law.

(2) The commissioner may establish within the division such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the division. When necessary for the efficient and economical administration of the work of the division, the commissioner may abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 7M. (a) The department of consumer and commercial services shall include a division of insurance for the purpose of regulating the business of insurance in the commonwealth.

(b)(1) The commissioner shall administer and enforce the provisions of chapter 175, chapter 156B insofar as made applicable under chapter 175, except section 11 of said chapter 156B, and chapter 176. If upon complaint, examination or other evidence exhibited to him, he is of the opinion that any provision of said chapters has been violated, he shall forthwith report the facts to the attorney general or to the proper district attorney who shall cause the offender to be prosecuted therefor. The commissioner shall also administer chapter 152, chapter 174A, chapter 174B, chapters 175A through 175G, inclusive, chapter 175I, chapter 175J, chapters 176A through 176P, inclusive, and chapter 178A.

(2) The commissioner shall hear any dispute or controversy arising between a medical service corporation and any partici-

pating physician, participating chiropractor, or any other participating provider of health services licensed under the laws of the commonwealth, or any subscriber, or any person whose subscription certificate has been canceled or to whom such corporation has refused to issue such certificate. Any such person aggrieved may submit the dispute or controversy to the commissioner within thirty days after such dispute or controversy arises.

Any dispute or controversy arising between a medical service corporation and any participating psychiatrist, psychologist or social worker licensed under the laws of the commonwealth, or any subscriber, which is submitted by any aggrieved person to the commissioner pursuant to the provisions of this section shall be heard by the commissioner in such a manner as to protect the privacy of all patient information which is the subject of such dispute or controversy or which comes to the attention of the commissioner in his review. In furtherance of the protection of such privacy the commissioner may and is hereby authorized to exclude the public during his hearing and deliberation of such cases.

(3) The commissioner shall hear any dispute or controversy arising between a dental service corporation and any participating dentist, or any subscriber, or any person whose subscription certificate has been cancelled or to whom such corporation has refused to issue such certificate. Any such person aggrieved may submit the dispute or controversy to the commissioner within thirty days after such dispute or controversy.

Such an appeal to the commissioner shall be conducted as an adjudicatory proceeding in accordance with the provisions of section 11 of chapter 30A.

(4) The commissioner shall hear any dispute or controversy arising between an optometric service corporation and any participating optometrist, or any subscriber, or any person whose subscription certificate has been canceled or to whom such corporation has refused to issue such certificate. Any such person aggrieved may submit the dispute or controversy to the commissioner within thirty days after such dispute or controversy arises.

Such an appeal to the commissioner shall be conducted as an adjudicatory proceeding in accordance with the provisions of section 11 of chapter 30A.

(5) The commissioner shall have the authority to investigate all claims alleging loss or damages arising out of the ownership, operation, maintenance or use of a motor vehicle anywhere within the commonwealth, filed by a claimant against any person insured by an insurance company which has issued a policy of insurance providing protection or indemnity to the insured owner and to any other person operating, maintaining or using the motor vehicle with the consent, express or implied, of the insured; and any other claim covered by insurance resulting from the operation of a motor vehicle.

Any company notified that such a claim is being made shall, within sixty days of the receipt of such notice, send to the commissioner on a form prescribed by him the information requested and such additional information relative to the accident and the parties claiming loss or damages because of the accident as the commissioner may require. The commissioner shall review such reports and select such claims as, in his judgment, may require further investigation. He shall then cause an independent examination of the facts surrounding such claim to be made to determine the extent, if any, to which fraud, deceit, misrepresentation or exaggeration of any kind exists in the submission of the claim and the extent to which improper practices on the part of insurance companies contribute to or encourage the making of fraudulent or exaggerated claims, or result in fraud, misrepresentation or deceit on the part of such companies, leading to higher costs of insurance or public dissatisfaction with the insurance laws of the commonwealth. The commissioner shall report his findings annually on or before December the first, to the governor and the attorney general, and may recommend legislation as in his judgment will best eliminate such fraud, deceit, misrepresentation or exaggeration, or improper practices as he finds exists. The commissioner may submit interim reports at such other times as he deems necessary and shall report any violations of law which his investigations disclose to the attorney general, or to the proper district attorney who shall cause the offender to be prosecuted therefor.

The commissioner, with the approval of the governor, may appoint and remove a chief of accident claims investigations. The commissioner may expend for expenses and for such legal, investigative, clerical and other assistance such sums as may be appropriated therefor; provided, however, that all costs of administration and operation of the same shall be borne by liability insurance companies doing business within the commonwealth. The commissioner shall apportion such costs among all such companies and shall assess them for the same on a fair and reasonable basis. Investigators employed by the commissioner shall have access to all records kept by the registry of motor vehicles and to such records kept by insurance companies as may be pertinent to the processing of such claims as are within the investigatory powers of the commissioner.

Whoever is convicted of a fraudulent claim as a result of a court judgment shall automatically lose his privilege to operate a motor vehicle for a period of one year.

(c)(1) The division will be under the direction of a commissioner who shall be known as the commissioner of insurance. The commissioner of insurance and the commissioner of banks shall act as a board in all matters concerning the divisions of banks and insurance as a whole, subject to the oversight of the department of consumer and commercial services as is necessary.

(2) Upon the expiration of the term of office of a commissioner, his successor shall be appointed by the governor for a term coterminous with that of the governor, and shall serve at the pleasure of the governor. The position of commissioner shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The commissioner shall devote full time during business hours to the duties of his office. He shall give bond with sureties in the sum of ten thousand dollars, to be approved by the state treasurer, for the faithful performance of his duties.

(3) The commissioner of insurance may appoint and remove, with the approval of the governor, a first deputy, an actuary, a research analyst, and a chief examiner and such additional deputies, examiners, assistant actuaries and inspectors as the service may require. In case of a vacancy in the office of commissioner, and during his absence or disability, the first deputy shall perform the duties of the office, or in case of the absence or disability of such first deputy, the deputy who has been longest in the service of the division. The commissioner may appoint and

remove such clerical and other assistants as the work of the division may require. Such deputies, research analyst, examiners, actuaries, inspectors, clerks and other assistants shall perform such duties as the commissioner may prescribe.

(4) The commissioner of insurance shall appoint the actuary and assistant actuary, pursuant to the provisions of section 8H of chapter 26, who shall devote their full time to the duties of their office and shall be exempt from the provisions of chapter 30 and shall serve at the pleasure of the commissioner. The actuary shall be a fellow or an associate of the Casualty Actuarial Society or the Society of Actuaries and the assistant actuary shall have successfully completed at least two examinations of one of the foregoing societies.

(d)(1) The division of insurance shall include a board of appeal on motor vehicle liability policies and bonds for the purposes described by section 28 of chapter 90, and sections 113O and 113P of chapter 175.

(i) The board will consist of the commissioner of insurance or his representative, the registrar of motor vehicles or a representative, and two assistant attorneys general to be designated from time to time by the attorney general. The commissioner of insurance may by a writing, in such form as he may prescribe, filed in his office, designate from time to time a representative to act in his place and the registrar of motor vehicles may in like manner designate from time to time a representative to act in his place. Any such designation may be revoked at any time and may run for such period as the designating officer may prescribe. The compensation of such a representative, if not an employee of the commonwealth, shall be fixed by the board, subject to the approval of the governor. The commissioner of insurance or his representative shall be the chairman of the board. With the approval of the governor, the board may appoint and remove a secretary and such clerical and other assistants as its work may require. The secretary so appointed shall be eligible to serve also as the representative of the commissioner of insurance, if designated as aforesaid. All expenditures incurred under this section shall be paid from the highway fund. The secretary shall keep a record of all proceedings before the board, and he and such clerical and other assistants shall perform such duties as the board may direct.

(ii) Any member of the board shall have power to summon and compel the attendance and testimony of witnesses and the production of books, records and documents and may administer oaths. Sections 9 and 11 of chapter 233 shall apply to the board and witnesses summoned before it. The fees of witnesses before the board for attendance and travel shall be the same as for witnesses before a court in civil cases and need not be paid nor tendered to them prior to their attendance, and shall be paid by the commonwealth upon the certificate of the board or a member thereof filed with the comptroller. An office and a room for hearings shall be provided by the commonwealth, to be assigned by the governor. The board may hold hearings at any place within the commonwealth and the members and secretary thereof shall be allowed their necessary traveling and other expenses in holding hearings outside the city of Boston. The board, with the approval of the governor, may make and amend reasonable rules and regulations to expedite and regulate hearings and the procedure before it.

(2) The division of insurance shall include a rating bureau which shall make an investigation and study of all insurance companies authorized to issue motor vehicle liability insurance as described by sections 34A and 34O of chapter 90, or authorized to issue policies for the purposes set forth in the first clause of section 47 of chapter 175 as set forth in subdivisions (d), (e), and (f) of the second clause of said section 47, as set forth in the third, fourth and fifth clauses of said section 47, as set forth in subdivision (b), (c), and (e) of the sixth clause of said section 47 or set forth in the seventh, eighth, ninth, tenth, eleventh, twelfth and seventeenth clauses of said section 47 pertaining to such data, statistics, schedules, or other information as it may deem necessary to assist in the determination of adequate, reasonable, just and nondiscriminatory premium charges for such policies, for the purpose of assisting the commissioner of insurance in the annual fixing and establishment or approving of fair and reasonable classifications of risks, and adequate, just and reasonable and nondiscriminatory premium charges for such insurance.

(i) Said rating bureau shall annually report the results of its investigation and study, and its recommendations to the commissioner of insurance who shall thereafter fix and establish said classifications and charges, as provided in section 113B of chapter

175 and approve or disapprove premium charges in accordance with chapter 175A.

(ii) The commissioner shall appoint all employees of the bureau. The bureau may expend for expenses and for such legal, investigative, clerical and other assistance and operation of said bureau, such sums as may be appropriated therefor; provided, however that all costs of administration and operation of said board shall be borne by liability insurance companies doing business within the commonwealth. The commissioner shall apportion estimated costs among all such companies and shall assess them for the same on a fair and reasonable basis. Said estimated costs shall be paid to the commissioner within thirty days after the date of the notice from the commissioner of such estimated costs. The commissioner shall subsequently apportion actual costs among all such companies and shall make assessment adjustments for any variation between estimated and actual costs on a fair and reasonable basis. Such estimated and actual costs shall include an amount equal to indirect costs as determined by the commissioner of administration and fringe benefit costs as determined by the commissioner of administration. Accountants, attorneys and actuary-statisticians employed by the board shall have access to all records kept by the registry of motor vehicles and to such records kept by insurance companies as may be pertinent to premium charges. The bureau shall consist of at least the following employees who shall devote their full time to the duties of their office and shall be exempt from the provisions of chapter 30 and shall serve at the pleasure of the commissioner: two certified public accountants and six actuary-statisticians. The actuary-statisticians shall be associates of the casualty actuarial society or the society of actuaries or shall have obtained a doctoral degree in a related discipline.

(iii) There shall also be within the rating bureau at least the following persons who shall perform the duties of the rating bureau relating to workers' compensation insurance: an actuary, a mathematician, a researcher and an accountant. The actuary shall be a member of the Casualty Actuarial Society or shall have attained a doctoral degree in a related discipline. The mathematician shall be engaged in the program of study recommended by said Casualty Actuarial Society or shall have substantial mathematical and statistical training.

Such actuary, mathematician, researcher and accountant shall be appointed by the commissioner.

(iv) The commissioner may make an assessment against any corporation, unincorporated association, partnership, or individual licensed as a rating organization pursuant to section 52C of chapter 152 and against any company authorized to write workers' compensation insurance that is not a member of any rating organization licensed pursuant to said section 52C to pay for the rating bureau's expenses as they relate to workers' compensation. The assessment shall be apportioned on the basis of the direct written premium of each insurance company in the most recent calendar year. Such assessment shall be deposited into the Rating Bureau's Workers' Compensation Trust Fund. All monies deposited into the trust fund shall be expended, without appropriation, exclusively by the rating bureau. Such assessment shall be made at a rate sufficient to produce five hundred thousand dollars in 1992, and may be increased annually thereafter by a rate not to exceed the most recent annual consumer price index calculated by the Bureau of Labor Statistics of the United States Department of Labor for the northeast region for all urban consumers. In addition to such assessment, the commissioner of insurance shall also collect an amount equal to indirect costs as determined by the secretary for administration and finance and for the persons within the rating bureau, for the persons within the rating bureau who perform the duties relating to workers' compensation insurance, an amount equal to the cost of fringe benefits as established by the secretary of administration and finance to be credited to the general fund. Said amounts shall be expended, without appropriation, for indirect costs and for such persons' fringe benefits. If the commissioner shall fail to expend any money collected under this paragraph in any fiscal year other than monies collected for fringe benefit and indirect costs, such unexpended amount shall be credited against the assessment to be made in the following year and the assessment in the following year shall be reduced accordingly. Funds collected under this section may be used to compensate consultants retained by the rating bureau and to defray its reasonable operating expenses and administrative overhead costs. The assessment, including the collection for indirect costs and fringe benefits, shall be collected by the commissioner of insurance. Any rating organization licensed pursuant to section 52C of chapter 152 and any company authorized to write workers' compensation insurance that is not a member of any rating organization licensed pursuant to said section 52C shall pay the amount assessed within 30 days after the date of the notice of assessment from the commissioner. The assessment shall be apportioned on the basis of the direct written premium of each insurance company in the most recent calendar year. The rating bureau shall regularly perform market conduct examinations as often as the commissioner deems appropriate.

(v) There shall be within the rating bureau at least the following persons who shall perform the duties of the rating bureau relating to medical malpractice liability insurance: an actuary, and a researcher. The actuary shall be a member of the Casualty Actuarial Society or shall have attained a doctoral degree in a related discipline. Such actuary, and researcher shall be appointed by the commissioner.

(vi) The commissioner is authorized to make an assessment against medical malpractice insurers licensed, admitted, authorized or approved by the commissioner to pay for the rating bureau's expenses as they relate to medical malpractice insurance. Such assessment shall be deposited into the Rating Bureau's Medical Malpractice Insurance Trust Fund. All monies deposited into the trust fund shall be expended, without appropriation, exclusively by the rating bureau. Such assessment shall be made at a rate sufficient to produce three hundred thousand dollars in the first twelve months, and may be increased annually thereafter by a rate not to exceed the most recent annual consumer price index calculated by the Bureau of Labor Statistics of the United States Department of Labor for the northeast region for all urban consumers. In addition to such assessment, the commissioner of insurance shall also collect, for the persons within the rating bureau who perform the duties relating to medical malpractice liability insurance, an amount equal to the cost of fringe benefits as established by the secretary of administration and finance pursuant to section 5D of chapter 29 to be credited to the general fund. Said amount shall be expended, without appropriation, to pay for such persons' fringe benefits. If the commissioner shall fail to expend any money collected under this paragraph in any fiscal year, such unexpended amount shall be credited against the assessment to be made in the following year and the assessment in the following year shall be reduced accordingly. Funds collected under this section may be used to compensate consultants retained by the rating bureau and to defray its reasonable operating expenses and administrative overhead costs. The assessment, including the collection for fringe benefits, shall be collected by the commissioner of insurance. Any entity assessed shall pay the amount assessed within thirty days after the date of the notice of assessment from the commissioner. The rating bureau shall regularly perform market conduct examinations as often as the commissioner deems appropriate. The assessments authorized under this paragraph shall be allocated on a fair and reasonable basis among all medical malpractice insurers licensed, admitted, authorized or approved by the commissioner. For the purposes of this section, the term medical malpractice insurer shall mean a medical malpractice insurer as defined in section 193U of chapter 175.

(3) The division of insurance shall include a bureau of managed care for the purpose of, by regulation, establishing minimum standards for the accreditation of carriers in the following areas: (a) utilization review; (b) quality management and improvement; (c) credentialing; (d) preventive health services; and (e) compliance with sections 2 to 12 of chapter 176O, inclusive.

(i) In establishing said minimum standards, the bureau shall consult and use, where appropriate, standards established by national accreditation organizations. Notwithstanding the foregoing, the bureau shall not be bound by said standards established by such organizations, but wherever the bureau promulgates standards different from said national standards, it shall: (1) do so pursuant to chapter 30A; (2) state the reason for such variation; and (3) take into consideration any projected compliance costs for such variation. Accreditation by the bureau shall be valid for a period of 12 months.

(ii) Regulations promulgated by the bureau shall be consistent with and not duplicate or overlap with the regulations promulgated by the department of public health.

(4) The division of insurance shall include an auto damage appraiser licensing board, hereinafter called the board, for the purpose of licensing individuals to appraise damage to all motor vehicles arising out of motor vehicle damage claims. Such damage claim shall include but shall not be restricted to any set of circumstances for which claim may be made for damage to a motor vehicle under a motor vehicle policy of liability or physical damage coverage.

(i) The board will consist of four persons to be appointed by the governor, two of whom shall be affiliated with the auto body repair industry, and two of whom shall be affiliated with insurance companies writing casualty insurance within the commonwealth, and one person to be appointed by the commissioner of insurance who shall not be affiliated with either the auto body industry or the insurance industry and who shall be the chairman of the board.

(ii) The board shall appoint an executive secretary and two secretaries and may expend for expenses and for such legal, investigative, clerical and other assistance such sums as may be appropriated therefor, provided, however, that all costs of administration and operation of said board shall be borne from licensing fees from motor vehicle damage appraisers. Board members shall be entitled to traveling expenses and incidental expenses incurred by them in the performance of their duties.

(5) The division of insurance shall include a medical malpractice analysis bureau for the purpose of analyzing and collecting data and advising the commissioner on requests filed by a medical malpractice insurer licensed, admitted, authorized or approved by the commissioner for changes in risk classifications, premiums, rates and such other matters as may be reviewed or approved by the commissioner.

(i) Said bureau may employ at least the following persons: an actuary, a person with expertise in the area of health care systems and policies, two senior actuarial assistants and such secretarial and clerical assistance as may be necessary to carry out the purposes of this section. The commissioner shall appoint all employees of said bureau who shall serve at the pleasure of the commissioner.

(ii) The commissioner is hereby authorized to make and collect an assessment against medical malpractice insurers licensed, admitted, authorized or approved by the commissioner to pay for the expenses of said bureau. Said assessment shall be made at a rate sufficient to produce five hundred thousand dollars annually. In addition to said amount, the assessment shall also include an amount, to be credited to the General Fund, equal to the total amount of funds estimated by the secretary for administration and finance to be expended from the General Fund for indirect and fringe benefit costs attributable to the personnel costs of said bureau; provided, however, that if the commissioner shall fail to expend for the costs and expenses of said bureau in any fiscal year the total amount of five hundred thousand dollars for the purposes set forth in this section, any amount unexpended in such fiscal year shall be credited against the assessment to be made in the following year, and the assessment in the following year shall be reduced by such unexpended amount. The assessment shall be allocated on a fair and reasonable basis among all medical malpractice insurers licensed, admitted, authorized or approved by the commissioner. The funds produced by said assessments shall be expended by the division, in addition to any other funds which may be appropriated, to assist in defraying the general operating expenses of said bureau, and may be used to compensate consultants retained by said bureau. A medical malpractice insurer licensed, admitted, authorized or approved by the commissioner shall pay the amount so assessed against it within thirty days after the date of the notice of assessment from the commissioner. For the purposes of this section, the term medical malpractice insurer shall mean a medical malpractice insurer as defined in section 133U of chapter 175.

(6) The commissioner may establish within the division such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the division. When necessary for the efficient and economical administration of the work of the division, the commissioner may abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 7N. (a) (1) The department of consumer and commercial services shall include a state racing commission for the purpose of ensuring fair and honest pari-mutuel racing. The commission shall promulgate and enforce rules and regulations, propose legislation and develop policies to better regulate the racing industry. Further, the commission shall be responsible for ensuring the legitimate performance of all racing animals and the integrity of pari-mutuel wagering.

(2) The commission shall consist of a commissioner and two associate commissioners to be appointed by the governor and serve coterminous with him. Not more than two of such members shall be of the same political party. The commissioner shall serve as chairman, and shall devote his full time during business hours to his official duties. Each member shall hold office until the appointment and qualifications of his successor. The governor may remove any member for cause and shall fill any vacancy for the unexpired term. Whenever any action by the commission is required to be in writing, such writing shall be sufficient when signed by the commission chairman. The commission shall make an annual report in January of each year to the general court.

(3) The state racing commission shall include in its annual report filed with the general court the following information with respect to the previous calendar year: statements of monies deposited in the Running Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, each established under section 11 of chapter 494 of the acts of 1978, the Harness Horse Capital Improvements Trust Fund and the Harness Horse Promotional Trust Fund, each established under section 12 of said chapter 494, and the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established under section 12A of said chapter 494, together with a detailed account of monies disbursed from the funds, the specific capital improvements and promotions for which the disbursements were intended, and a report on which of the improvements and promotions have been accomplished; a statement of racing dates awarded to licensees, including those awarded in connection with a state or county fair; and a statement of the total amounts wagered at each race track, together with the monies paid to the commonwealth and the commission, purses paid to horse and greyhound owners and monies retained by each licensee, together with a statement of the net profit of each licensee taken from the financial statements filed under section 6 of chapter 128A. Copies

of the report shall be transmitted to the governor, the president of the senate, the speaker of the house of representatives, the chairmen of the house and senate committees on ways and means, the joint committee on government regulations and the joint committee on taxation.

(b)(1) The positions of commissioner and associate commissioners shall be classified in accordance with section 45 of chapter 30 and the salaries shall be determined in accordance with section 46C of said chapter 30. The members shall also receive their necessary expenses incurred in the discharge of their official duties.

(2) The commission may employ an auditor who shall be a certified public accountant or have a master of business administration degree with five or more years experience in state accounting or state auditing, who shall devote full time during normal business hours to the duties of the position. Said auditor shall serve at the pleasure of the commission which shall determine his salary in accordance with the provisions of said chapter 30.

(3) The commission may appoint the following positions: a secretary, a fiscal officer III, other assistants, a director of racing operations who shall devote full time to the supervision of commission officials and employees at the tracks. The commission may also appoint the following: auditors IV, a business management specialist, one accountant II, accountants I, chemists III, chemists II, chemists I, clerks IV, clerks III, clerks II, typists I, bookkeepers I, stenographers II, one laboratory supervisor II, laboratory technicians I, one veterinary health officer I, one supervisor of licenses and registrations, state racing commission, one racing inspector II, racing inspectors I, administrative assistants II and one special assistant to the commissioner. The commission may employ at least one racing inspector I and one accountant I at each racing performance live or simulcast to insure the integrity of racing.

Section 7O. (a) The department of consumer and commercial services shall include a division of professional licensure for the purpose of protection of the public health, safety and welfare by licensing and regulating the activities of qualified individuals, corporations and partnerships which provide services to consumers and by enforcement of the statutes and regulations of the boards of registration regulating the various trades and professions.

(b) It shall be the duty of each board of registration in the division of professional licensure to license competent professionals, to regulate the practice of the professions and to use discipline to enforce standards of the professions.

(c) The division will be under the direction of a director, which director shall be classified in accordance with section 45 of chapter 30 and whose salary shall be determined in accordance with section 46C of said chapter 30, and who shall devote full time during business hours to the duties of the office. Upon the expiration of the term of office of a director, a successor shall be appointed by the governor for a term coterminous with that of the governor. The director of professional licensure shall supervise the work of the several boards of registration and examination included in the division of professional licensure. The director shall recommend changes in the methods of conducting examinations and transacting business and shall make such reports to the governor and council as they may require or as the director may deem expedient.

The director, subject to the approval of the governor, may make such rules and regulations governing the conduct of written and oral examinations by the several boards of registration and examination aforesaid as shall tend to standardize procedure and protect the commonwealth and applicants for registration against fraud; provided, that nothing in this section shall prevent any such board from adopting, under authority of other provisions of law, specific rules and regulations which are not in conflict with the rules and regulations authorized by this chapter or any other provision of law.

(d) The division of professional licensure shall include the following boards of registration:

(1) board of allied health professions;

(2) board of registration of allied mental health and human services professions;

(3) board of registration of architects;

(4) board of registration of barbers;

(5) board of registration of chiropractors;

(6) board of registration of cosmetologists;

(7) board of registration of dietitians/nutritionists;

(8) board of registration of dispensing opticians;

(9) board of registration of drinking water facilities operators;

(10) board of examiners of electricians and burglar and fire alarm installers;

(11) board of registration of electrologists;

(12) board of registration of professional engineers and land surveyors;

(13) board of registration of funeral services;

(14) board of registration of health officers;

(15) board of registration of hearing instrument specialists;

(16) board of registration of landscape architects;

(17) board of registration of home inspectors;

(18) board of registration of optometrists;

(19) board of state examiners of plumbers & gas fitters;

(20) board of public accountancy;

(21) board of registration in podiatry;

(22) board of registration of psychologists;

(23) board of registration of radio and t.v. technicians;

(24) board of registration of real estate appraisers;

(25) board of registration of real estate brokers & salespersons;

(26) board of registration of sanitarians;

(27) board of registration of social workers;

(28) board of registration of speech & audiology; and

(29) board of registration in veterinary medicine.

Section 7P. (a) The department of consumer and commercial services shall include a division of standards for the purpose of maintaining custody and accuracy of the state standards, supervising the regulation of auctioneers, registering motor vehicle damage repair shops, and administering and enforcing the laws relating to the sale of petroleum products, and to transient vendors, hawkers and peddlers. The division shall be headed by a commissioner, as hereinafter provided.

(b)(1) The commissioner shall enforce the laws relating to the use of weighing and measuring devices and the giving of false or insufficient weight or measure and shall keep a detailed record of his work in connection therewith. He shall also from time to time establish units of measurement to be observed in the sale of wooden shingles in the commonwealth. He may also, if he deems it desirable, and shall, upon request of the manufacturer of any weighing or measuring device or of any sealer of weights and measures, examine such device to determine whether or not its construction is such as to insure reasonably permanent accuracy and whether or not it may be used to facilitate the perpetration of fraud, approving or disapproving it accordingly.

(2) The division may also approve weighing and measuring devices for which certificates of conformance have been issued by the National Institute of Standards and Technology under the National Type Evaluation program. The commissioner may from time to time adopt, and may thereafter amend or repeal, and shall enforce, all such reasonable rules and regulations, and orders thereunder, as may be necessary or suitable in relation to weighing and measuring devices, and the use thereof; provided, that such rules and regulations are in accordance with such generally accepted standards of engineering practice as relate to such weighing and measuring devices. Rules and regulations and orders issued by the commissioner hereunder may provide penalties for violations thereof. The commissioner shall certify all inspectors, sealers and deputies in accordance with sections 34, 35, and 36 of chapter 98 and regulations promulgated by the commissioner.

(c) The division shall be under the direction of a commissioner of standards, in this section called the "commissioner", who shall be appointed by the secretary of the department of consumer and commercial services, with the approval of the governor, and who may remove him, with like approval. The commissioner shall have charge of the division of standards, and shall, in addition to the powers and duties previously conferred and imposed upon the deputy director of standards pursuant to the provisions of any general or special law, perform such other duties as may be assigned to him by the secretary of the department of consumer and commercial services. Except as otherwise provided, the secretary of the department of consumer and commercial services may employ and remove such inspectors, investigators, clerks and other assistants as the work of the division of standards may require. He may employ, for periods not exceeding ninety days, such experts as may be necessary to assist said division in the performance of any duty imposed upon it by law. The commissioner and all inspectors and other permanent employees of the division of standards, shall devote their full time to the affairs of said division. Said commissioner, all such inspectors and such other employees of said division as may be designated by the secretary of the department shall, before entering upon their duties, be sworn to the faithful performance thereof. All such inspectors shall aid the commissioner in the performance of his duties, shall have all necessary powers therefor and shall give bond for the faithful performance of their duties.

(d) The commissioner may establish within the division such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the division. When necessary for the efficient and economical administration of the work of the division, the commissioner may abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 7Q. (a) There shall exist within the department of consumer and commercial services the alcoholic beverages control commission, as established pursuant to section 43 of chapter 6. The commission shall have general supervision of the conduct of the business of manufacturing, importing, exporting, storing, transporting, and selling alcoholic beverages as outlined in section 44 of chapter 6.

(b) There shall be a commission appointed by the governor to serve under the provisions of section 43 of chapter 6. The commissioner, pursuant to section 14 of chapter 17, shall serve as a member of the advisory council on alcoholism.

(c) There shall be two associate commissioners appointed by the governor in accordance with section 43 of chapter 6. The commission may appoint and remove a secretary and expend for other clerical assistants pursuant to section 45 of chapter 6. The commission may appoint a confidential secretary pursuant to section 7 of chapter 30.

(d) The commission shall have the following responsibilities:

(1) issuing licenses, suspending licenses, reviewing appeals and revoking licenses pursuant to sections 12, 13, 15, 17, 18, 18A, 19, 19A, 19B, 19C, 19D, 20, 22A, 23, 23A, 64, 67, 70, and 76 of chapter 138;

(2) establishing conditions for the destruction of certain alcoholic beverages pursuant to section 2 of chapter 138;

(3) receiving annual reports from local licensing authorities pursuant to section 10A of chapter 138;

(4) authorizing vacancy of members of local licensing boards pursuant to section 10B of chapter 138;

(5) issuing certificates of compliance to export licensees pursuant to section 18B of chapter 138;

(6) issuing permits to store and warehouse beverages pursuant to section 20A of chapter 138;

(7) issuing permits for vehicles to transport and deliver alcoholic beverages pursuant to section 22 of chapter 138;

(8) promulgating regulations for issues regarding alcoholic beverages pursuant to section 24 of chapter 138;

(9) posting of names of delinquent licensees pursuant to section 25 of chapter 138;

(10) establishing schedules for sale of alcoholic beverages sold to wholesalers in the commonwealth pursuant to section 25B of chapter 138;

(11) promulgating rules regarding the resale price of beverages pursuant to section 25C of chapter 138;

(12) promulgating and enforcing rules regarding price discrimination pursuant to section 25D of chapter 138;

(13) establishing rules for the sale of alcoholic beverages to churches, hospitals, and other organizations pursuant to section 28 of chapter 138;

(14) preparing and distributing posters to businesses regarding the sale of alcoholic beverages to minors pursuant to section 34A of chapter 138;

(15) arresting without a warrant any person illegally manufacturing or selling alcoholic beverages pursuant to section 56 of chapter 138;

(16) entering premises to ascertain manner of business of licensees pursuant to section 63 of chapter 138; and

(17) receiving reports from bottle distributors regarding the amount received from deposits pursuant to section 323 of chapter 94.

(e) The alcoholic beverages control commission shall meet its purpose and perform is function in accordance with all laws of the commonwealth and shall ensure that the rules and regulations regarding the sale, manufacture, and licensing of alcoholic beverages is conducted with the highest standards of professionalism and with attention to the issues of public safety.

*Department of Business and Technology*

Section 7R. (a) The executive office for economic affairs shall include a department of business and technology for the purpose of attracting, retaining and promoting economic prosperity and opportunities throughout the commonwealth; assisting the commonwealth's businesses, including small businesses and entrepreneurs; enhancing the competitiveness of, and targeting economic assistance to, the various regions of the commonwealth; supporting the creation and growth of industry clusters in the commonwealth; promoting the development and commercial use of technologies important to the commonwealth's economic future; promoting, attracting, and developing tourism, convention, travel and recreation-related activities in the commonwealth; marketing the commonwealth both domestically and internationally; developing exporting relationships with foreign countries; and attracting foreign direct investment to the commonwealth.

(b) (1) In addition to any other powers and duties conferred or imposed upon it by this chapter or any other general or special law, the department of business and technology, by and through its secretary, shall have the following powers and duties, which may be exercised by one or more offices or administrative units established by the secretary of business and technology:

(i) To attract, support and retain businesses that employ the commonwealth's residents and that create wealth in the commonwealth by investing in the commonwealth's residents, by creating knowledge and technology assets and by contributing to the commonwealth's infrastructure and tax base;

(ii) To serve as the front-line representative of the commonwealth to each region's businesses, providing access to a full and effective range of business services, including assuring the availability of capital and human resources required for growth and development in the commonwealth;

(iii) To promote the economic well-being of each region of the commonwealth by attracting investment in the region, increasing the competitiveness of the region's businesses, creating economic opportunities for the region's businesses and workers, assisting in the coordination and targeting of economic assistance to the region, and overseeing and assisting with the governor's regional competitiveness councils, established by executive order;

(iv) To promote the development of industry clusters and the associations that support the ongoing competitiveness of such clusters, and to assist industry clusters and associations in shaping programs and initiatives that provide for their long-term success;

(v) To collaborate with businesses, regional economic development professionals, and industry and higher education resources to develop economic policies, strategies and initiatives to achieve the commonwealth's economic objectives;

(vi) To analyze and coordinate the commonwealth's economic development expenditures to ensure fair and beneficial outcomes across regions, industry clusters and those populations most in need of support to achieve economic prosperity;

(vii) To establish a forum for consistent communications, strategy development and reporting among public and quasi-public agencies and between such agencies and the regions of the commonwealth;

(viii) To develop, collect and disburse information, as appropriate, concerning the economic status and development of the commonwealth and its various regions and industries;

(ix) To promote the development and commercial use of new technologies important to the commonwealth's economic future;

(x) To develop a rapid economic response team, as provided in section 2 of chapter 23A;

(xi) To fulfill those duties and responsibilities as set out in sections 3A through 3H of chapter 23A, establishing the economic assistance coordinating council and the economic development incentive program;

(xii) To fulfill those duties and responsibilities as set out in sections 57, 58, 60 and 61 of chapter 23A, establishing the small business capital access program and the redevelopment access to capital program;

(xiii) To institute an industry cluster and technology initiative, or a similar initiative, that will support and enhance the competitiveness of the commonwealth's industry clusters. Such an initiative may include, but not be limited to: (i) working with industry associations and councils to identify high return investments in human capital, technology and infrastructure; (ii) enhancing export opportunities and attracting foreign direct investment by cluster; (iii) working with the commonwealth's education agencies and institutions, and the department of labor to strengthen industry and employer input concerning career-oriented education and workforce training programs; (iv) contributing to the development of strategic plans for science and technology investments and policy in the commonwealth; (v) working to increase research and development funding and investment in the commonwealth;

(xiv) To establish an economic development strategy council pursuant to section 56 of chapter 23A and paragraph (3) of this subsection;

(xv) To ensure that state and quasi-public organizations in the commonwealth provide services that meet the needs of small businesses and entrepreneurs, and to provide advocacy and promote networking in support of small businesses and entrepreneurs;

(xvi) To create reliable, accurate and inclusive on-line resources to support the economic development of small businesses and to enable them to conduct business with the commonwealth more efficiently and more economically;

(xvii) To foster and support the development and growth of business enterprises and non-profit organizations owned by and employing economically disadvantaged populations, including minorities, women, recent immigrants, individuals with disabilities and ex-offenders, and to promote the fullest utilization of these enterprises by federal, state and local government agencies and by the private sector;

(xviii) To attract and support financial and other assistance to small businesses and entrepreneurs from the federal government and other public or private entities;

(xix) To support municipalities in developing programs, such as so-called "Main Streets" and "Back Streets" programs, to encourage and enable small business owners to participate in and contribute to local economic development;

(xx) To work with small businesses to identify priorities for education and workforce training;

(xxi) To improve the attractiveness of the state as a location for small businesses, entrepreneurship and innovation;

(xxii) To establish an informed leadership framework for the entrepreneurial community by developing and utilizing the services, resources and expertise, provided on a voluntary basis, of existing educational, business, industrial and financial institutions, and working in full cooperation with said institutions to fully implement the policies and programs of the office;

(xxiii) To provide assistance and information to Massachusetts businesses seeking to export goods and services to foreign countries and seeking to market goods and services, and be represented, at international trade shows, meetings, and conventions;

(xxiv) To develop exporting relationships with foreign countries and otherwise promote and market the commonwealth's businesses internationally;

(xxv) To attract foreign direct investment in the commonwealth;

(xxvi) To study, develop, and promote optimal routes for the international transfer of cargo and passengers, so as to make trade and business with the commonwealth easier and more cost-effective;

(xxvii) To develop and provide information to the commonwealth's businesses on protocols for conducting business with foreign countries;

(xxviii) To coordinate, maintain, and facilitate relations between the commonwealth and foreign countries, including, but not limited to, coordinating visits from foreign dignitaries and business leaders and facilitating meetings between foreign dignitaries and business leaders and senior government officials;

(xxix) To enter into or negotiate bilateral agreements or accords with foreign governments and trade promotion organizations;

(xxx) To establish one or more foreign offices for international trade, as provided in sections 24 through 26 of chapter 23A;

(xxxi) To promote the recreational, cultural and historic and scenic resources of the commonwealth to increase its desirability as a location for tourism, convention, travel and recreation-related activities by domestic and international travelers;

(xxxii) To provide informational, marketing and technical assistance to public and private entities that are engaged in promoting or attracting tourism, convention, travel or recreation-related activities in the commonwealth;

(xxxiii) To coordinate with other state, regional and local agencies on marketing, tourism services, infrastructure and other issues that affect the travel and tourism industry in the commonwealth;

(xxxiv) To fulfill those duties and responsibilities as set out in section 13C of chapter 23A, establishing the advisory commission on travel and tourism to the secretary of business and technology;

(xxxv) To fulfill those duties and responsibilities as set out in section 14 of chapter 23A, establishing a program for financial assistance to those public or nonprofit agencies that promote or provide services for tourism, convention, travel and recreation in the commonwealth;

(xxxvi) To adopt, amend, alter or repeal, and enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and performance of the duties of the department as set out in any general or special law;

(xxxvii) To prepare and submit to the governor and the general court an annual report which shall contain the description of organization of the department, and such other information as is deemed appropriate or that may be required by the secretary of administration and finance;

(xxxviii) To accept gifts or grants of money or property from any source, which shall be held in trust for the use of the department by the secretary of business and technology as custodian; and

(xxxix) To take any other actions necessary and appropriate to further the purposes of the department, as described in this chapter.

(2) The department may make discretionary and nondiscretionary grants to persons or public or private nonprofit entities for projects and programs which further implement the mission of the department and which benefit the general public; provided, however, that the department shall annually make a report to the secretary of administration and finance and the house and senate committees on ways and means on the use of such funds; and provided further, that any such grant shall be issued in accordance with the regulations promulgated pursuant to section 15 of chapter 7A.

(3) To the extent that the secretary establishes an economic development strategy council pursuant to section 56 of chapter 23A, such council shall have the additional authority to: (a) develop an integrated assessment of the needs of regions and industry clusters in the commonwealth and of the effectiveness of the various regions and industry clusters; (b) assist with the management of public and quasi-public resources across regions and industry clusters; (c) create a network for rapid mobilization efforts around targeted firms and newly identified companies at risk; (d) develop new economic development programs and strategies to leverage and improve existing programs; and (e) seek operational cost savings through co-location of agencies and consolidation. Notwithstanding the provisions of section 56 of chapter 23A, the economic development strategy council may consist of any additional members from any quasi-public agencies or entities, or from the department of business and technology, as the secretary of business and technology may direct in writing. In addition, and notwithstanding the provisions of section 56 of chapter 23A, the secretary of business and technology may request any other person with relevant knowledge and experience to voluntarily serve as a member of such counsel.

(c) The department shall be under the control of the secretary of business and technology. The secretary shall be appointed by the governor for a term coterminous with that of the governor. Upon expiration of the term of office of the secretary or in the event of a vacancy, a successor shall be appointed by the governor for a term coterminous with that of the governor. The secretary's full time during business hours shall be devoted to the duties of office. The secretary shall be the executive and administrative head of the department and shall be responsible for administering and enforcing the provisions of law relative to the department and to each administrative unit thereof. The secretary may hire and remove employees of the department and of each office or other administrative unit thereof. From time to time the secretary may also, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as may be deemed necessary. The secretary shall receive such salary as the governor shall determine.

(d) (1) The secretary may establish within the department such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the secretary may abolish or merge any such bureau, section, or other unit that is not otherwise established by statute. The secretary may establish one or more regional offices of the department, or of any administrative units thereof.

(2) In addition, there shall be placed in the department of business and technology, but not subject to the supervision or control of said department, except as specifically provided by any general or special law, the Massachusetts Technology Development Corporation established pursuant to section 2 of chapter 40G and the Massachusetts Technology Park Corporation established pursuant to section 3 of chapter 40J.

(3) (i) The department shall include a state office of minority and women business assistance (SOMWBA) for the purpose of providing assistance to, and promoting economic opportunities for, women, minority and other disadvantaged businesses, and for certifying and developing a list of such businesses for state procurement and other purposes.

(ii) SOMWBA shall have the powers and duties set forth in section 44 of chapter 23A, in addition to any other powers and duties conferred or imposed upon it by any other general or special law. In addition, SOMWBA shall have the following powers and duties:

A. To exercise any power and duty that the secretary of business and technology may confer upon it, as appropriate and consistent with the purpose and powers of the department of business and technology as set forth in this section;

B. To adopt, amend, alter or repeal, and enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and performance of the duties of SOMWBA as set out in any general or special law;

C. To seek such funds, public or private, as may be available and needed to carry out the intent of section 44 of chapter 23A;

D. To accept gifts or grants of money or property from any source, which shall be held in trust for the use of the department by the secretary of business and technology as custodian; and

E. To take any other action necessary and appropriate to further purposes of SOMWBA, as described in this subsection.

(iii) SOMWBA shall be under the direction and control of an executive director. The executive director of SOMWBA shall be appointed by the secretary of business and technology, with the approval of the governor, and may, with like approval be removed. The executive director of SOMWBA shall report directly to the secretary of business and technology and the powers and duties given to said executive director in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of business and technology. The executive director of SOMWBA's full time during business hours shall be devoted to the duties of the department. The executive director of SOMWBA shall be the executive and administrative head of SOMWBA and shall be responsible for administering and enforcing the provisions of law relative to SOMWBA and to any administrative unit thereof.

(iv) The executive director of SOMWBA may appoint and remove, subject to the approval of the secretary of business and technology, all such employees as may be necessary to carry out the work of SOMWBA. From time to time, the executive director may employ such consultants or other outside contractors as deemed necessary. SOMWBA may, either on its own staff or by contract with community groups, private companies, or public or nonprofit agencies, have available community liaison officers, financial and marketing experts, and persons skilled in public and private contract procurement procedures.

### *Executive Office for Education*

Section 8. (a) The executive office for education shall serve as the principal agency of the executive branch of the government of the commonwealth for the following purposes:

(1) Providing leadership and vision to the education enterprise of the commonwealth;

(2) Serving the education and workforce development needs of residents from preschool through higher education, workforce

development, and beyond to provide an educated citizenry and to meet the commonwealth's economic and workforce needs;

(3) Planning and developing goals for a coordinated system from early childhood through elementary, secondary, and higher education, and workforce development, including libraries and cultural institutions, and making recommendations to the governor and appropriate boards and groups relative to such;

(4) Encouraging partnerships between and among public early childhood, elementary, secondary, and vocational-technical schools with institutions of higher education, workforce development agencies, libraries, and cultural institutions;

(5) Articulating and building public support for the connection between high quality public education and future economic growth and development in the commonwealth;

(6) Recommending to the governor and appropriate boards and groups goals for accountability and high standards of quality for the entire system of education in the commonwealth, and effective policies and programs to achieve such goals; and

(7) Recommending to the governor and appropriate boards and groups effective policies and programs to improve the organization, structure, functions, economy, efficiency, procedures, and services of all boards, departments, offices, councils, institutions, and other agencies within the executive office for education, and plans to coordinate, manage, administer, and implement such policies and programs.

(b) The secretary of education shall be appointed by and serve at the pleasure of the governor. The secretary shall receive a salary as determined by the governor. The secretary shall serve in the cabinet established by this chapter, and shall have the rank of secretary for all purposes. The secretary shall analyze the present and future goals, needs, and requirements of public education in the commonwealth and recommend to the governor comprehensive goals necessary to achieve a well coordinated system of high achievement in public education in the commonwealth; and shall serve as the governor's advisor on education issues, represent the interests of education in the governor's cabinet, and report to the governor on all of the activities of public education from early childhood through the university level and beyond.

(c)(1) The executive office for education shall include: (i) the department of education; (ii) the board of education; (iii) the educational management audit council; (iv) the office of the board of higher education; (v) the board of higher education; and, (vi) the public institutions of higher education.

(2) Except as otherwise provided in this act, the board of education shall continue to have the powers and duties established for it under chapters 15, 69, 70, 70B, 71, 71A, 71B, 74, 76, and 150E; the department of education shall continue to have the powers and duties established for it under chapters 15, 69, 70, 70B, 71, 71A, 71B, 74, 76, and 150E; the board of higher education shall continue to have the powers and duties established for it under chapter 15A; and the educational management audit council shall continue to have the powers and duties established for it under chapter 15.

Section 8A. (a) The executive office for education shall include a department of education for the purpose of carrying out the powers and duties established for it under this chapter and chapters 15, 69, 70, 70B, 71, 71A, 71B, 74, 76, and 150E.

Section 8B. (a) The executive office for education shall include a board of education for the purpose of carrying out the powers and duties established for it under chapters 15, 69, 70, 70B, 71, 71A, 71B, 74, 76, and 150E.

Section 8C. (a) The executive office of education shall include an office of the board of higher education.

Section 8D. The executive office for education shall include a board of higher education, which shall supervise the public higher education system, consisting of the public institutions of higher education established in section 5 of chapter 15A.

### *Executive Office for Health and Human Services*

Section 9. (a) The executive office for health and human services shall serve as the principal agency of the executive branch of the commonwealth for the following purposes:

(1) developing, co-coordinating, administering, and managing the health, welfare, and human services operations, policies, and programs of the commonwealth;

(2) supervising and managing the organization and conduct of the business affairs of the offices, departments, commissions, boards, divisions, institutions, and agencies within the executive

office to improve administrative efficiency and preserve fiscal resources;

(3) developing and implementing effective policies and programs to improve coordination and quality of services provided by the executive office and all of its departments, offices, commissions, boards, divisions, institutions, and agencies; and

(4) acting as the single state agency authorized to supervise the administration of the Title XIX State Plan under Section 1902(a)(5) of the Social Security Act, as well as the single state agency for the programs under titles IV, IV(A), IV(B), IV(E), and XX of the Social Security Act, and under the Rehabilitation Act.

(b) (1) The governor shall appoint a secretary of the executive office, who shall serve at the pleasure of the governor.

(2) The secretary of the executive office shall have the authority to appoint an assistant secretary each for the department of health services, the department of disabilities and community services, and the department of children, youth, and family services. The assistant secretaries shall serve at the pleasure of the secretary and shall perform such duties as the secretary shall determine.

(i) Notwithstanding any general or special law to the contrary, the secretary shall appoint an individual to serve simultaneously as commissioner of any agency within the executive office and as an assistant secretary for the department of health services, the department of disability and community services, the department of children, youth, and family services, or other agencies within the executive office. The secretary may also appoint an individual to serve simultaneously as the commissioner or assistant secretary for more than one agency within the executive office.

(ii) An individual who serves simultaneously as a commissioner and an assistant secretary shall only be compensated for service in one office.

(3) The secretary may appoint such personnel as the secretary determines to be necessary or desirable for the effective performance of the executive office. Any such appointees shall perform such duties as the secretary shall determine. Unless otherwise provided by law, any such appointees shall serve at the pleasure of the secretary.

(c) The executive office shall include the:

(1) department of elder affairs;

(2) department of health services, which shall include the department of public health and the department of mental health;

(3) department of children, youth, and family services, which shall include the department of social services, the department of transitional assistance, the department of youth services, the office of child care services, the children's trust fund board, and the office for refugees and immigrants;

(4) department of disabilities and community services, which shall include the department of mental retardation, the Massachusetts rehabilitation commission, Massachusetts commission for the blind, the Massachusetts commission for the deaf and hard of hearing, the soldiers' home in Massachusetts, and the soldiers' home in Holyoke;

(5) department of veterans' services;

(6) disabled persons protection commission. The executive office shall facilitate the implementation of the stated purposes of the disabled persons protection commission, but shall not exercise any supervision or control with respect to such office, notwithstanding any other provisions to the contrary contained herein;

(7) health facilities appeals board;

(8) office of Medicaid;

(9) managed care oversight board. The executive office shall facilitate the implementation of the stated purposes of the managed care oversight board, but shall not exercise any supervision or control with respect to such office, notwithstanding any other provisions to the contrary contained herein; and

(10) Betsy Lehman center for patient safety and medical error reduction. The executive office shall facilitate the implementation of the stated purposes of the Betsy Lehman center for patient safety and medical error reduction, but shall not exercise any supervision or control with respect to such office, notwithstanding any other provisions to the contrary contained herein.

(d) (1) The secretary of the executive office shall act as the executive officer of the governor in all matters pertaining to the administration, management, operation, planning, fiscal and policy development, functions, and affairs of the departments, offices, commissions, boards, divisions, institutions, and agencies within the executive office. The secretary shall have the authority to:

(i) operate and administer the programs of medical assistance and medical benefits under chapter one hundred eighteen E;

(ii) serve as the single state agency authorized to supervise the administration of the Title XIX State Plan under Section 1902(a)(5) of the Social Security Act, as well as the single state agency for the programs under titles IV, IV(A), IV(B), IV(E), and XX of the Social Security Act, and under the Rehabilitation Act;

(iii) consolidate, coordinate, and supervise the administration of the executive office and the agencies therein to promote economy and efficiency;

(iv) establish uniform regional and area boundaries for the agencies within the executive office;

(v) establish uniform contracting and payment procedures for the executive office and the agencies within the executive office;

(vi) make, amend, and repeal rules and regulations for the management and administration of the executive office and agencies within the executive office;

(vii) execute all instruments necessary for carrying out the business of the executive office and the agencies within the executive office;

(viii) acquire, own, hold, dispose of, lease, and encumber property in the name of the executive office and the agencies within the executive office;

(ix) enter into agreements or transactions with any federal, state, or municipal agency, other public institution, or any private individual, partnership, firm, corporation, association, or any other agency on behalf of the executive office and the agencies within the executive office;

(x) charge and collect fees, rentals, and other charges as are reasonable and necessary for carrying out the business of the executive office and the agencies within the executive office;

(xi) apply for and accept any funds, including grants, bequests, gifts, or contributions on behalf of the commonwealth in accordance with the provisions of section six of chapter six A;

(xii) serve as the executive and administrative head of each and every department, office, commission, board, division, institution, or agency within the executive office;

(xiii) establish, abolish, or merge within the executive office or any of the departments therein, such departments, offices, commissions, boards, divisions, institutions, or agencies that are not otherwise established by statute as the secretary determines are necessary or desirable for efficient and economical administration of the executive office or its agencies; and

(xiv) exercise of all the powers and perform the duties assigned by law to the executive office or to any department, office, commission, board, division, institution, or agency within the executive office.

(e) (1) In addition to the powers and duties enumerated above the executive office for health and human services shall annually meet all of the requirements of the Support to Individuals with Disabilities and their Families Act, as set forth herein.

(2) As used herein, the following words shall have the following meanings:

(i) "Community services", services that are available to the general population.

(ii) "Department", the Massachusetts commission for the blind, the Massachusetts commission for the deaf and hard of hearing, the department of mental health, the department of mental retardation, the department of public health, and the Massachusetts rehabilitation commission.

(iii) "Family", a person with a disability or chronic illness and the parents, relatives or guardians who have assumed responsibility for caring for that person indefinitely, excluding professional service providers who are unrelated to the person.

(iv) "Flexible supports", support services, subject to appropriation and consistent with each department's authority and mandate for serving people with disabilities and chronic illnesses, may include, but not be limited to:

(A) coordination and facilitation of support services;

(B) counseling and information;

(C) facilitation of self-help groups;

(D) home adaptations;

(E) assistive technology devices and services and support services to facilitate full communication and language access;

(F) financial assistance;

(G) assistance in caregiving including: respite, day care, after school care and personal care or personal care surrogacy, when necessary;

(H) adaptive equipment and clothing;

(3) Subject to appropriation, each department, after substantial consultation with individuals with disabilities and their families, as well as the departments' statewide or regional advisory councils, shall annually prepare an individual and family support plan that shall explain how the department intends to provide flexible supports to families and individuals. The plans shall be submitted to the governor, the secretary of health and human services, the joint committee on human services and elderly affairs, and the house and senate committees on ways and means. Each department shall set forth its own plan, subject to appropriation, for coordinating, enhancing, and expanding individual and family supports during the fiscal year. Each department shall seek creative and innovative ways, within its existing authority and mandate for serving individuals with disabilities and chronic illnesses, to provide flexible supports. The plan shall include, but not be limited to, the following goals:

(i) to develop interagency collaboration and public and private partnerships to: increase access to services; coordinate resources and referrals; pool funds to better support those with multiple disabilities; and provide technical assistance, training and outreach to consumers, specialized providers, and community service providers about the philosophy and goals of individual and family support plans and progress toward those goals;

(ii) to create opportunities for individuals with disabilities and their families for oversight of, and input into, the direction and development of policies and programs involving support services funded by the departments' local, regional and central offices and their vendor agencies;

(iii) to specify long and short-term objectives and strategies for implementing accessible and flexible supports for individuals with disabilities or chronic illnesses and their families and to review progress toward long and short-term objectives specified in the previous plan. Long-term strategies should span multiple years and the range of years shall parallel the department's usual short and long-term planning patterns;

(iv) to identify family support resources that shall be used to achieve goals and objectives specified in the plan and to analyze the current flexibility of departmental funding mechanisms to identify any adjustments needed to more adequately provide family supports for those families prioritized for funding within the guidelines of each department's mandate;

(v) to enable the full participation of individuals with disabilities or chronic illnesses and their families in community life in a way that maintains respect and sensitivity to choices made by all cultures;

(vi) to expand the capacity of community services to include persons with disabilities or chronic illnesses by training and educating community service providers; and

(vii) to empower consumers and ensure their active leadership and advocacy through opportunities for education, leadership development and training.

(4) Each department shall submit its first individual and family support plan not later than 1 year after the effective date of this act. Each year thereafter, such plans shall be submitted by August 1.

(5) The duties and responsibilities set forth herein shall be subject to entitlement not otherwise provided by state regulation or by general or special law.

### *Department of Elder Affairs*

Section 9A. (a) The executive office for health and human services shall include the department of elder affairs, referred to as the department. The primary purpose of the department shall be to promote the dignity, independence, and rights of Massachusetts's elders, and to support their families through advocacy and the development and management of programs and services.

(b) (1) The governor shall appoint a secretary of elder affairs, who shall serve at the pleasure of the governor and may be removed by the governor at any time. The secretary shall be the executive and administrative head of the department.

(2) The secretary shall appoint such personnel as are necessary or desirable to perform the functions and duties of the department. Unless otherwise provided by law, all personnel shall serve at the pleasure of the secretary.

(c) The secretary of the department may, subject to appropriation, establish within the department such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the department. When necessary or desirable, the secretary may abolish or merge any such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the secretary of elder affairs and the department shall exercise the following powers and duties:

(1) the department shall make, repeal, and amend regulations for the conduct of the business of the department and such other rules and regulations as may be required by law;

(2) the department may accept on behalf of the commonwealth any gifts or grants of money or property, whether real or personal, from any source, whether public or private, for the purpose of assisting the department to fulfill its purpose;

(3) the department shall measure and evaluate the impact of all programs authorized by this chapter; their effectiveness in achieving the department's goals in general; and in relation to their cost, their impact on related programs, their structure and mechanisms for delivery of services, including, when appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs, as provided for in section twelve of chapter nineteen A; and

(4) the department shall prepare and keep current a statement of organization of the office, of the assignment of functions to its various administrative units, offices, and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the secretariat's description of organization. A current copy of the description of organization shall be kept in the office of the secretary of the executive office for health and human services.

### *Department of Health Services*

Section 9B. (a) The department of health services shall include the department of public health, referred to as the department. The primary purpose of the department shall be to exercise responsibility for the preservation and maintenance of the health and safety of the citizens of the commonwealth.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of public health, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The commissioner shall be the executive and administrative head of the department.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the department. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) (1) There shall be a public health council included within the department. The public health council shall consist of the commissioner of public health and eight members appointed by the governor. The composition, terms of service, compensation, schedule, powers, and duties of the council are set forth in section three of chapter seventeen and section three of chapter one hundred and eleven.

(2) There shall be the following boards of registration within the department: the board of registration in nursing; the board of registration in pharmacy; the board of registration of physician assistants; the board of registration of perfusionists; the board of registration of nursing home administrators; the board of registration in dentistry; and the board of registration of respiratory therapists. Each of these boards shall exercise the powers and duties set forth in chapters thirteen and one hundred and twelve, and shall be subject to the direction and control of the commissioner.

(3) There shall be the board of registration in medicine, as set forth in chapters thirteen and one hundred twelve, which shall be within the department, but not subject to its control.

(4) There shall be an office for the collection of health care data and for the setting of rates for health care services, as set forth in chapter one hundred and eighteen G.

(5) The commissioner may, subject to appropriation, establish within the department such offices, commissions, boards, divisions, agencies, registries, centers, advisory commissions, or councils that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the department. When necessary or desirable, the commissioner may abolish or merge any such offices, commissions, boards, divisions, agencies, registries, centers, advisory commissions, or councils that are not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

(1) the department shall promulgate, repeal, and amend regulations for the conduct of the business of the department and such other rules and regulations as may be required by law;

(2) the department shall conduct sanitary investigations and investigations as to the causes of disease, especially epidemics, oversee the sale of food and drugs and adulterations thereof, and disseminate such information relating to the public health as it considers proper;

(3) the department shall define what diseases shall be deemed to be dangerous to the public health and make such rules and regulations consistent with law for the control and prevention of such diseases as it deems advisable for the protection of the public health;

(4) upon declaration by the governor that an emergency exists which is detrimental to the public health, the department may, with the approval of the governor and the public health council, during such period of emergency, take such action and incur such liabilities as he may deem necessary to assure the maintenance of public health and the prevention of disease, and may establish procedures to be followed during such emergency to insure the continuation of essential public health services and the enforcement of the same. Upon declaration by the governor that such emergency has terminated, all powers granted to and exercised by the commissioner under this section shall terminate;

(5) the department shall assist in the study, investigation, suppression, or prevention of smallpox or any other contagious or infectious disease declared to be dangerous by the department in any part of the commonwealth, including requiring the officers in charge of any city or state institution, charitable institution, public or private hospital, dispensary, or maternity hospital, any board of health, or the physicians in any town to give notice of cases of any disease declared by the department to be dangerous to the public health;

(6) the department shall maintain birth, marriage, and death records and prepare an alphabetical index of divorce returns, as provided for in chapters forty-six, one hundred eleven, two hundred and seven, and two hundred and eight. The department shall enforce all laws relative to such records and may prosecute in the name of the commonwealth any violation thereof;

(7) the department shall advise the governor and the secretary for health and human services concerning the location and sanitary condition of any public institution;

(8) the department may produce and distribute immunological, diagnostic, and therapeutic agents as it may deem advisable, and may sell such portions of such materials produced in its laboratories as constitute an excess of those required for its use within the commonwealth;

(9) the department shall operate and administer a substance abuse program, and shall establish licensure requirements, including necessary rules and regulations for alcohol and drug counselors, pursuant to chapter one hundred eleven J;

(10) the department shall admit to the medical staff of the institutions under the department's supervision and control physicians and other providers of health care who are not compensated by the commonwealth as either salaried employees or consultants. Such physicians and other providers of health care may directly bill patients and their health insurers or other third-party payors for the clinical services they furnish to patients at such institutions;

(11) acting through the superintendents of hospitals, the department shall establish programs for the training of residents in medicine and other specialties and subspecialties of medicine in accordance with section six A of chapter seventeen;

(12) the department shall have supervision of the Massachusetts hospital school and the Tewksbury hospital, as provided for in section sixty-two I of chapter one hundred eleven, and section one of chapter one hundred twenty-two. The department shall also have supervision and control of the Lemuel Shattuck hospital and the Western Massachusetts hospital, as set out in section sixty-nine E of chapter one hundred eleven;

(13) the department shall take necessary actions with regard to all matters affecting the health and well being of the public in the commonwealth in subjects over which the department takes cognizance and responsibility;

(14) the department shall administer the laws relative to health and sanitation and the regulations of the department, and shall prepare rules and regulations for the consideration of the council;

(15) the department shall conduct a program to establish rates for the payment of health care services, and to collect, analyze, and disseminate health care data to assist in the formulation of health care policy pursuant to chapter one hundred and eighteen G; and

(16) the department shall exercise all of the powers and duties set out in chapters one hundred and eleven, one hundred and eleven B, one hundred and eleven C, one hundred and eleven D, one hundred and eleven E, one hundred and eleven F, one hundred and eleven G, one hundred and eleven H, one hundred and eleven I, one hundred and eleven J, one hundred and eleven K, one hundred and twelve, and chapters forty-six, ninety-four, ninety-four B, ninety-four C, ninety-four D, one hundred and thirteen, one hundred and fourteen, and one hundred and thirty.

Section 9C. (a) The department of health services shall include the department of mental health, referred to as the department. The department shall take cognizance of all matters affecting the mental health of the citizens of the commonwealth; provided that the primary mission of the department shall be to provide services to individuals with long-term or serious mental illness, early and ongoing treatment for mental illness, and research into the causes of mental illness.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of mental health, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The commissioner shall exercise supervision and control of the department as set forth in chapter nineteen. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty. The commissioner shall be the executive and administrative head of the department.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the department. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(3) Either the commissioner or an appointee working closely with the commissioner shall be a diplomate in psychiatry of the American Board of Psychiatry and Neurology.

(c) The commissioner may, subject to appropriation, establish within the department such offices, departments, divisions, councils, and boards that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the department. When necessary or desirable, the commissioner may abolish or merge any such office, department, division, council, or board that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

(1) the department shall promulgate, repeal, and amend regulations for the conduct of the business of the department, for the implementation of the provisions of chapter nineteen, and such other rules or regulations as may be required by law;

(2) the department shall have supervision and control of all hospitals, comprehensive centers and clinics, and other mental health facilities established within the department;

(3) the department shall have supervision and control of all public facilities, for mentally ill persons and of all persons received into any of said facilities;

(4) the department shall have general supervision of all private facilities for mentally ill persons; provided, however, that this sentence shall not be deemed to interfere with or supersede any other provision of general or special law that grants or confers supervision and control of certain public facilities for mentally ill persons and persons admitted to such facilities or that grants or confers supervision over certain private facilities for such persons, to any other department of the commonwealth, or to any political subdivision;

(5) the department shall establish a comprehensive program of community mental health services as set forth in chapter nineteen;

(6) subject to appropriation, the department may develop additional state hospitals, comprehensive centers and clinics, or other mental health facilities under commonwealth operation;

(7) subject to appropriation, the department may contract with any private hospital, institution, nonprofit charitable corporation, partnership, collaborative, or other agency furnishing community or complementary mental health services to pay it the ordinary and reasonable compensation for such services actually rendered or furnished to persons in need thereof. Such agreements may provide for the retention of all revenues resulting from all billings and third party reimbursements by the contracting agency, provided that the expenditure of such funds is made in conformance with applicable state and federal law;

(8) the department shall designate those facilities to which persons may be committed or admitted as patients under the provisions of chapter one hundred and twenty-three. The department shall periodically inform the courts as to the available facilities to which persons may be committed or admitted as patients or residents;

(9) the department shall be a corporation for the purpose of taking, holding, and administering in trust for the commonwealth any grant, devise, gift, or bequest made either to the commonwealth, to it, or to any state hospital or other mental health facility of the department, for the use of persons under its control in any mental health facility of the department, or for the use of such

hospital or facility, or if the acceptance of such trust is approved by the governor, for expenditure upon any work which the department is authorized to undertake;

(10) the department shall select the site of any new state mental health facility and any land to be taken or purchased by the commonwealth for the purposes of any new or existing state mental health facility;

(11) the department shall exercise control over state hospitals, mental health centers, and other mental health facilities as designated in the department's regulations and as set forth in section seven of chapter nineteen; and

(12) the department and the commissioner shall exercise such other powers and duties as are set forth in chapter nineteen and chapter one hundred twenty-three.

*Department of Children, Youth, and Family Services*

Section 9D. (a) The department of children, youth, and family services shall include a department of social services, referred to as the department. The primary purpose of the department shall be to provide and administer a comprehensive program of social services as set forth in sections two and three of chapter eighteen B.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of the department, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The commissioner shall be the executive and administrative head of the department, and shall have the powers and duties set forth in section seven of chapter 18B. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the depart-

ment. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) The commissioner may, subject to appropriation, establish within the department such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute as the commissioner deems necessary or desirable. When necessary or desirable, the commissioner may abolish or merge any such office, commission, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

(1) the department shall promulgate, repeal, and amend regulations for the conduct of the business of the department and such other rules and regulations as may be required by law; and

(2) the department shall have the powers and duties as set forth in chapter eighteen B.

Section 9E. (a) The department of children, youth, and family services shall include the department of transitional assistance, referred to as the department. The primary purpose of the department shall be to provide and administer programs of financial assistance to needy individuals and families residing in the commonwealth.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The commissioner shall be the executive and administrative head of the department. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the depart-

ment. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) The commissioner may, subject to appropriation, establish within the department such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute as may be necessary for the efficient and economical administration of the department. When necessary or desirable, the commissioner may abolish or merge any such office, commission, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

(1) the department shall promulgate, repeal, and amend regulations for the conduct of the business of the department and such other rules and regulations as may be required by law;

(2) the department shall administer the Food Stamp program in accordance with 7 U.S.C. § 2011 et seq.; and

(3) the department shall have the powers and duties set forth in chapter 18; section seventeen A of chapter sixty six; chapters one hundred and seventeen A, one hundred and eighteen, and one hundred and eighteen A; and chapter five of the acts of 1995, as amended.

Section 9F. (a) The office of children, youth, and family services shall include the department of youth services, referred to as the department. The primary purpose of the department shall be to provide delinquency prevention and services to delinquent children and youthful offenders.

(1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of the department, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty.

The commissioner shall be the executive and administrative head of the department.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the department. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) The commissioner may, subject to appropriation, establish within the department such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the department. When necessary or desirable, the commissioner may abolish or merge any such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

(1) the department shall promulgate, repeal, and amend regulations for the conduct of the business of the department and such other rules and regulations as may be required by law;

(2) the department shall provide a comprehensive and coordinated program of delinquency prevention and services to delinquent children and youthful offenders referred or committed to the department by the courts, and shall provide community services for the prevention of juvenile delinquency, and services and facilities for the study, diagnosis, cure, and treatment, including physical and mental health and social services, education, training, and rehabilitation, for all children and youth referred or committed, as set forth in chapter one hundred and twenty;

(3) the department shall provide these services through its own staff, through grants-in-aid to cities, towns, and other public agencies and through purchase of services from private nonprofit agencies;

(4) the department shall expend such sums as may be appropriated for grants to cities and towns and to other public agencies and for the purchase of services from other government departments and agencies and from private nonprofit vendors to carry out any of the programs and purposes of the department;

(5) the department shall receive federal funds granted to the Commonwealth to aid in the financing of any of the programs and policies of the department, and these funds shall be credited to a separate fund on the books of the commonwealth only for the purposes of such expenditures to be made under the direction of the commissioner. Federal funds paid as reimbursement to the commonwealth shall be deposited in the General Fund;

(6) the department shall also maintain a program of research into the causes, treatment, and prevention of juvenile delinquency, including new methods of service and treatment; and

(7) the department shall cooperate with other state and local agencies, both public and private, which serve children and youth.

Section 9G. (a) The department of children, youth, and family services shall include the office of child care services, referred to as the office. The policy of the commonwealth is to assure all children a full and fair opportunity to reach their full potential by providing and encouraging services that strengthen family life and support families in their essential function of nurture for a child's physical, social, educational, moral, and spiritual development. Every child shall be entitled to the full protection of the commonwealth. In the absence or inability of parents to provide care and protection for their children, it shall be the responsibility of the commonwealth to assure substitute residential care and protection for every child. Consistent with this policy, the purposes of this section shall be:

(1) to assure the sound and coordinated development of all services to children;

(2) to assure parents a decisive role in the planning, operation, and evaluation of programs that aid families in the care of children;

(3) to respect and draw upon family values and cultural heritage;

(4) to establish the administrative framework for, and promote the development of, day care services to provide that such services shall be available in every community for all families that express a need for them;

(5) to assure that family foster care or other residential care is provided only when the family itself or the resources available to

the family are unable to provide the necessary care and protection to insure the rights of any child to sound development; and

(6) to assure that every child shall in all circumstances be protected against all forms of neglect, cruelty, abuse, and exploitation.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of the office, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The position of the commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty. The commissioner shall be the executive and administrative head of the office.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the office. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) The commissioner may, subject to appropriation, establish within the office such commissions, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the office. When necessary or desirable, the commissioner may abolish or merge any such commission, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the office by the secretary of health and human services, the office shall exercise the following powers and duties:

(1) the office shall promulgate, repeal, and amend regulations for the conduct of the business of the office and such other rules and regulations as may be required by law; and

(2) the office shall have the powers and duties as set forth in chapter twenty-eight A.

Section 9H. (a) The department of children, youth, and family services shall include the children's trust fund board, referred to as the board. The primary purpose of the board shall be to prevent the abuse of children.

(b) (1) The board shall be composed of between twenty-five and fifty members, to be appointed by the governor from recommendations by the board, with particular attention given to appointing members who reflect the ethnic and racial diversity of the Commonwealth's children, youth, and their families, including: the secretary for health and human services or a designee; the director of economic development or a designee; the director of the office of child care services or a designee; the commissioner of social services or a designee; the commissioner of mental health or a designee; the commissioner of youth services or a designee; the commissioner of education or a designee; the commissioner of public health or a designee; and twelve persons from the private sector, to be appointed by the governor, and consisting of at least one parent, one pediatrician, one child psychiatrist, one early childhood education specialist, one mental health specialist in child abuse, one district attorney, one teacher, one judge, one member of the Massachusetts bar, one criminal justice professional, one social worker from a private child welfare agency, and one representative of a private charitable foundation. These individuals shall be appointed based upon their knowledge of and interest in child abuse prevention. In making appointments the governor shall seek to provide diverse geographical representation, and shall ensure that each of the commonwealth's human service regions, established by the executive office for human services, is represented by one of his appointments.

(2) Each appointed member of the board shall serve for a term of three years, provided that of the initial appointees three shall serve for a term of three years, three shall serve for two years, and two shall serve for one year. A vacancy in an unexpired term shall be filled in the same manner as an original appointment. Any member shall be eligible for reappointment.

(3) The governor shall designate a chairman from among one of the appointed members of the board. The board may elect other officers and committees as it deems appropriate.

(4) The board shall employ an executive director, assistant executive director, secretary, and any other personnel the board deems necessary in order to carry out the duties and responsibilities assigned to the board. Expenditures for salaries and for other administrative functions shall be approved by the board; provided, however, that such expenditures shall be within the limitations prescribed by section fifty of chapter ten.

(5) The executive director of the board shall have at least two years of direct service experience in child welfare or child clinical work, and two years of experience in human service administration or policy making. The executive director shall have a master's degree in a related field.

(6) Any member of the board, or its executive director, may be removed by the governor for willful misconduct or neglect of duty, for inability to perform the powers and duties of the board, or for improprieties under law.

(7) The board shall meet at least four times annually. On or before March fifteenth of every year the board shall file a report with the governor and the house and senate committees on ways and means detailing the recipients and amounts of grants awarded by the board in the preceding calendar year.

(c) Pursuant to the authority delegated to the board by the secretary of health and human services, the board shall exercise the following powers and duties:

(1) to receive and expend monies received from: (a) state appropriations; (b) gifts, grants, and donations from public or private sources; (c) federal reimbursements, grants-in-aid, or other monies credited or transferred from any other fund or source pursuant to law; and (d) any interest earned from the Children's Trust Fund, as set forth in section fifty, chapter ten;

(2) to contract with public or private non-profit organizations, agencies, schools, or qualified individuals, or to issue grants to cities, towns, or their political subdivisions, for the purpose of establishing community-based educational and service programs designed to reduce the occurrence of child abuse and neglect; provided, however, that:

(i) each contract or grant entered into by the board shall contain an evaluation provision;

(ii) contracts or grants may be awarded to existing programs as well as demonstration projects; and

(iii) the continuation of contracts or grants shall be based upon goal attainment;

(3) to facilitate the exchange of information between groups concerned with families and children and with child maltreatment;

(4) to consult with and to state departments, agencies, commissions, and boards to help determine the probable effectiveness, fiscal soundness, and need for proposed educational and service programs for the prevention of child abuse and neglect. Such agencies shall provide information requested by the board to carry out its duties, particularly its duty to maximize all federal funds available for reimbursement to the Children's Trust Fund for prevention activities;

(5) to authorize the expenditure of all funds deposited into the Children's Trust Fund;

(6) to maintain files, records, and reports which shall be retained and made available in accordance with law;

(7) to promote academic research on the efficacy and cost effectiveness of child abuse prevention initiatives;

(8) to issue state of the family annual reports, on the trends and developments affecting the incidence of child maltreatment;

(9) to establish, by a majority vote of its membership, procedures, guidelines, rules, and regulations; provided, however, that these policies take into consideration such factors as need, geographic distribution, capacity to coordinate with existing services, and such other factors as the board deems relevant. Such guidelines shall provide, including without limitation, that no state, executive, legislative, or judicial agency funded in whole or in part by the commonwealth shall be eligible to receive any such grants, with the exception of the local councils of the office of child care services. The awarding of any grant shall be by a majority vote of the membership;

(10) to serve as an advocate, subject to appropriation, and to provide an articulate focus for the needs of children and disseminate information to the public regarding children's services and to work in collaboration with the office of child care services, the department of public health, the department of social services, the department of education, and any other state agency which serves

the needs of children to promote the development of programs and services for all children, emphasizing programs for children with special needs; and

(11) to issue state of the family annual reports, on the trends and developments affecting the incidence of child maltreatment.

Section 9I. (a) The department of children, youth, and family services shall include the office for refugees and immigrants, referred to as the office. The primary purpose of the office shall be to promote the full participation of refugees and immigrants as self-sufficient individuals and families in the economic, social, and civic life of the commonwealth.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a director of the office, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The director shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the director. The director shall be the executive and administrative head of the office. The position of director shall be classified in accordance with section forty-five of chapter thirty, and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

(2) The director shall be the state refugee coordinator pursuant to the federal Refugee Act of 1980 (P.L. 96-212, March 17, 1980), as it may be amended or succeeded. The director shall also have primary responsibility for the administration of programs and services pursuant to the federal Immigration Reform and Control Act of 1986 (P.L. 99-603, November 6, 1986), as it may be amended or succeeded.

(3) The director may appoint such personnel as are necessary or desirable to perform the functions and duties of the office. Unless otherwise provided by law, all personnel shall serve at the pleasure of the director.

(c) The director may, subject to appropriation, establish within the office such commissions, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the office. When necessary or desirable, the director may abolish or merge any such commission, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the office by the secretary of health and human services, the office shall exercise the following powers and duties:

(1) the office shall promulgate, repeal, and amend regulations for the conduct of the business of the office and such other rules and regulations as may be required by law; and

(2) the office shall have the powers and duties set forth in section two hundred seven of chapter six.

*Department of Disabilites and Community Services*

Section 9J. (a) The department of disabilities and community services shall include the department of mental retardation, referred to as the department. The department shall take cognizance of all matters affecting the welfare of people with mental retardation, and shall exercise responsibility over all matters affecting the welfare of people with mental retardation, as provided for in section one of chapter nineteen B.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of the department, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The commissioner shall be the executive and administrative head of the department. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determine in accordance with section forty-six C of chapter thirty.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the department. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(3) Notwithstanding the previous provision or any other provision of law, all offices and positions, which as a condition of

receiving federal grants for programs and activities to which the federal standards for a merit system of personnel administration relate and make necessary the applications of the civil service law, shall be subject to the provisions of chapter thirty-one if such federal standards are uniform in all states.

(c) The commissioner may, subject to appropriation, establish within the department such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the department. When necessary or desirable, the commissioner may abolish or merge any such office, commission, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

(1) the department shall promulgate, repeal, and amend regulations for the conduct of the business of the department and such other rules, regulations, and policies as may be required by law;

(2) the department may enter into interagency agreements with other departments, divisions, or agencies within the executive department as set forth in section eighteen of chapter nineteen B;

(3) the department shall have supervision and control of all public facilities for people with mental retardation and of all persons received into any of said facilities, subject to the provisions of section one of chapter nineteen B and chapter one hundred and twenty-three B;

(4) the department shall have supervision and control of all facilities for people with mental retardation that are established within the department, and, subject to appropriation, may further develop additional such facilities or, subject to appropriation, may contract with any private agency furnishing services to individuals with mental retardation to pay it the ordinary and reasonable compensation for such services actually rendered or furnished to persons in need thereof;

(5) the department may, subject to appropriation, enter into agreements with nonprofit charitable corporations, partnerships, collaboratives, or other agencies for the provision of services to

people with mental retardation, as set forth in section one of chapter nineteen B;

(6) the department shall develop and maintain, subject to appropriation, community mental retardation services as described in sections twelve and thirteen of chapter nineteen B;

(7) the department shall issue licenses to facilities that offer residential or day care services to people with mental retardation as set forth in section fifteen of chapter nineteen B;

(8) the department shall be a corporation for the purposes set forth in section one of chapter nineteen B;

(9) the department shall exercise all powers and duties necessary for the conduct of the activities required of the department under chapter nineteen B; and

(10) the department shall exercise all powers and duties as are set forth in chapter one hundred and twenty-three B.

Section 9K. (a) The department of disabilities and community services shall include the Massachusetts rehabilitation commission, referred to as the commission. The primary purpose of the commission shall be to provide rehabilitation services for people with disabilities.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of rehabilitation, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The commissioner shall be the executive and administrative head of the department. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty. The commissioner shall be the executive and administrative head of the commission.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the commission. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) (1) There shall be a rehabilitation council in accordance with the provisions of section seventy-six of chapter six, which shall advise the commissioner in matters of interest relating to the delivery of rehabilitation services. The rehabilitation council shall conform to the requirements of federal law governing the establishment, composition, and functions of the rehabilitation council.

(2) The commissioner may, subject to appropriation, establish within the commission such offices, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the commission. When necessary or desirable, the commissioner may abolish or merge any such office, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the commission by the secretary of health and human services, the commission shall exercise the following powers and duties:

(1) the commission shall promulgate, repeal, and amend regulations for the conduct of the business of the commission and such other rules and regulations as may be required by law;

(2) the commission may expend, subject to appropriation, such state, federal, or other funds as are available for the rehabilitation, employment, independent living, and disability determination needs of people with disabilities;

(3) the commission shall cooperate with all federal agencies in the administration of section seven hundred and twenty of chapter twenty nine of the United States Code relating to the rehabilitation of people with disabilities; and

(4) the commission shall have the powers and duties set forth in sections seventy-four through eighty-four of chapter six.

Section 9L. (a) The department of disabilities and community services shall include the Massachusetts commission for the blind, referred to as the commission. The primary purpose of the commission shall be to deliver services to legally blind residents of the commonwealth, including, but not limited to, vocational rehabilitation, supported employment, social rehabilitation, independent living, deaf-blind multi-handicapped services, and financial and medical assistance under the provisions of sections one hundred and thirty through one hundred forty-nine, inclusive, of chapter six.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner of the blind. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The commissioner shall serve for a term of five years and until his successor is duly appointed and qualified. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty. The commissioner shall be the executive and administrative head of the commission, and shall be responsible for the administration and enforcement of all applicable laws.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the commission. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) (1) There shall be a rehabilitation council, which shall advise the commissioner in matters of interest relating to the delivery of rehabilitation services. The rehabilitation council shall conform to the requirements of federal law governing the establishment, composition, and functions of the rehabilitation council.

(2) The commissioner may, subject to appropriation, establish in the commission such offices, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the commission. When necessary or desirable, the commissioner may abolish or merge any such office, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the commission by the secretary of health and human services, the commission shall exercise the following powers and duties:

(1) the commission shall promulgate, repeal, and amend such rules and regulations as are necessary for the administration of sections one hundred and thirty to one hundred and forty-nine, inclusive, or as may be otherwise required by law;

(2) the commission shall expend subject to such state, federal, or other funds as are available for the rehabilitation, employment, independent living, and social service needs of legally blind residents of the commonwealth;

(3) the commission shall cooperate with all federal agencies in the administration of 20 U.S.C. § 107, 29 U.S.C. § 720, 42 U.S.C. § 1396, and 42 U.S.C. § 1397; and

(4) the commission shall take other action as is necessary or appropriate to carry out the purposes of the commission as set forth in sections one hundred and thirty through one hundred and forty-nine, inclusive, of chapter six.

Section 9M. (a) The office of disabilities and community services shall include the Massachusetts commission for the deaf and hard of hearing, referred to as the commission. The primary purpose of the commission shall be to provide coordinated policies and services on behalf of people who are deaf and hard of hearing.

(b) (1) The secretary for health and human services shall appoint, with the approval of the governor, a commissioner for the deaf and hard of hearing, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor. The office of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of chapter thirty. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner; provided, however, that the commissioner shall be experienced in the administration and delivery of services to deaf and hard of hearing persons and shall be fluent in sign language. Every effort shall be made to locate and appoint a deaf or hard of hearing commissioner. The commissioner shall be the executive and administrative head of the commission.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the commission. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner. The commissioner shall

make every effort to locate and appoint deaf and hard of hearing personnel.

(c) The commissioner may, subject to appropriation, establish in the commission such offices, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the commission. When necessary or desirable, the commissioner may abolish or merge any such office, board, division, or agency that is not otherwise established by statute.

(d) Pursuant to the authority delegated to the commission by the secretary of health and human services, the commission shall exercise the following powers and duties:

(1) the commission shall promulgate, repeal, and amend regulations for the conduct of the business of the commission and such other rules and regulations as may be required by law;

(2) the commission shall advocate, provide, and coordinate the promulgation of public policies, regulations, and programs on behalf of people who are deaf and hard of hearing;

(3) the commission shall improve accessibility and quality of existing services and shall promote the development of new services when necessary;

(4) the commission shall provide services to people who are deaf and hard of hearing including, but not limited to, interpreting/CART services, telecommunication liaison services, information and referral, case management and social services, independent living services, training on communication access and related technology, and access to telecommunication and assistive listening devices;

(5) the commission shall determine the extent and availability of service to people who are deaf and hard of hearing within the commonwealth, determine the need for further services, make recommendations to the governor, and shall file a copy thereof with the secretary of the commonwealth;

(6) the commission may apply for and accept on behalf of the commonwealth any federal or local grants, and may apply for and accept on behalf of the commonwealth any private grants, bequests, gifts, or contributions, to aid in the financing of any programs or policies of the commission, pursuant to the provisions of section one hundred and ninety-two of chapter six; and

(7) the commission shall have all of the additional powers and duties set forth in sections one hundred ninety-one through one hundred ninety-nine, inclusive, of chapter six.

Section 9N. (a) The department of disabilities and community services shall include the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke, referred to collectively as the Soldiers' Homes. The primary purpose of the Soldiers' Homes shall be to provide in-patient long-term care, domiciliary care, hospitalization, and outpatient services to Massachusetts veterans, as defined by section seven, clause 43 of chapter four and sections one, two, three, and four of chapter one hundred and fifteen A.

(b) (1) With the advice of each board of trustees, the secretary of the executive office for health and human services shall appoint a superintendent to be the administrative head of each Soldiers' Home. Each superintendent shall serve at the pleasure of and may be removed by the secretary at any time, with the approval of the governor.

(2) Each superintendent may appoint such personnel as are necessary or desirable to perform the functions and duties of each Soldiers' Home. Unless otherwise provided by law, all personnel shall serve at the pleasure of the superintendent.

(c) (1) The Soldiers' Home in Massachusetts shall be under the direction of a board of trustees as set forth in section forty-one of chapter six.

(2) The Soldiers' Home in Holyoke shall be under the direction of a board of trustees as set forth in section seventy-one of chapter six.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

(1) the board of trustees for each Soldiers' Home shall have the management and control of each Soldiers' Home and all property, real and personal, of the commonwealth that is occupied or used by the Soldiers' Homes;

(2) each board of trustees shall adopt, issue, or promulgate reasonable rules and regulations governing outpatient treatment at, admission to, and hospitalization in, each Soldiers' Home, including the setting of a daily rate to be paid by each long-term

care and domiciliary resident, together with any charges for outpatient services; and

(3) the boards of trustees shall have the same powers and duties as set forth in chapter one hundred fifteen A, and sections forty one and seventy-one of chapter six.

### *Department of Veterans' Services*

Section 9O. (a) The executive office for health and human services shall include the department of veterans' services, referred to as the department. The primary purpose of the department shall be to provide veterans and their dependents with emergency financial assistance under chapter one hundred fifteen, and to ensure that veterans and their dependents receive assistance in applying for and receiving federal compensation and other benefits from the United States department of veterans' affairs.

(b) (1) The secretary of health and human services shall appoint, with the approval of the governor, the commissioner of veterans' services, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, with the approval of the governor. The commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary for health and human services determines are necessary for the performance of the duties of the commissioner. The commissioner's position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty-one.

(2) The commissioner may appoint such personnel as are necessary or desirable to perform the functions and duties of the department. Unless otherwise provided by law, all personnel shall serve at the pleasure of the commissioner.

(c) The commissioner may, subject to appropriation, establish within the department such offices, commissions, boards, divisions, or agencies that are not otherwise established by statute as may be necessary or desirable for the efficient and economical administration of the department. When necessary or desirable, the commissioner may abolish or merge any such offices, commissions, board, divisions, or agencies that are not otherwise established by statute.

(d) Pursuant to the authority delegated to the department by the secretary of health and human services, the department and the commissioner shall exercise the following powers and duties:

(1) the department shall promulgate, repeal, and amend regulations for the conduct of the business of the department and such other rules and regulations as may be required by law;

(2) the department shall direct the state veterans' cemeteries program; train and certify veterans' agents; and administer the women veterans' program;

(3) the department shall exercise all of the powers and duties set forth in chapter one hundred fifteen;

(4) the commissioner shall be responsible for the overall mission and operations of the department and shall also represent the commonwealth, when the governor is unavailable, at military, veterans' ceremonies, and diplomatic events;

(5) the commissioner shall coordinate with representatives of the United States department of veterans' affairs, veterans' organizations, and local governments to insure delivery of the full array of benefits and services to veterans and their dependents;

(6) the commissioner shall be the state agent for the settlement of pension, bounty, back pay, compensation, and other claims of citizens of the commonwealth against the government of the United States, or any state thereof, on account of military or naval service, and he shall assist and advise war veterans, and their dependents, heirs or legal representatives, with respect to the filing, prosecution and settlement of such claims; and

(7) the commissioner shall perform such other duties necessary to carry out the mission and operations of the department, as set forth in section two of chapter one hundred and fifteen.

### *Disabled Persons Protection Commission*

Section 9P. (a) The executive office for health and human services shall include the disabled persons protection commission, referred to as the commission. The primary purpose of the commission shall be to provide for the investigation and remediation of instances of abuse of persons with disabilities in the commonwealth.

(b) (1) The commission shall consist of three members to be appointed by the governor, one of whom the governor shall designate as chairperson, as provided for in section two of chapter nineteen C. Members of the commission shall serve for terms of no more than five years. Members of the commission may be removed by the governor for gross misconduct, substantial neglect of duty, inability to perform the powers and duties of the office, or conviction of a felony.

(2) The colonel of the department of state police shall assign not fewer than five state police officers to the special investigative unit.

(3) The commission shall employ an executive director who shall be responsible for the administrative operation of the commission and shall perform other tasks as the commissioners may determine are necessary or desirable for the operation of the commission.

(4) The commission shall employ, subject to appropriation, such staff as shall be necessary to carry out its duties pursuant to this section. Such staff shall serve at the pleasure of the commission and shall not be subject to the provisions of chapter thirty-one; provided, however, that the commission shall establish written standards for the position of investigator and shall hire investigators whose education and training qualifies them for the position pursuant to the standards established by said commission. In addition, the commission shall take such steps as are necessary to ensure that the conduct of each investigator meets or exceeds such standards. For the purposes of determining the standards established under this section, the commission shall confer with the district attorneys and the attorney general.

(c) (1) There shall be within the commission a special investigative unit, which shall have sole responsibility for the initial investigation of all reports of abuse received by the commission in connection with which there is an allegation of criminal conduct pursuant to section three (d) of chapter nineteen C.

(d) (1) The commission shall provide for the investigation of alleged abuse of persons with disabilities initiated pursuant to section three of chapter nineteen C.

(2) The commission shall promulgate, repeal, and amend regulations for the conduct of the business of the commission and such other rules and regulations as may be required by law.

(3) The commission shall promulgate rules and regulations establishing procedures to exclude personally identifiable infor-

mation regarding the subjects of investigations and to carry out the responsibilities of this section in such a way as to disclose as little personally identifiable information as possible.

(4) The commission shall issue reports, including findings of facts and recommendations, upon concluding an investigation, and to refer matters upon which investigations have been completed pursuant to section eight of chapter nineteen C.

(5) The commission shall take appropriate measures to notify state agencies, persons with disabilities, and other interested parties of the provisions applicable to the commission.

(6) The commission shall maintain files, records of investigations, and reports, which shall be retained and made available in accordance with the provisions of chapters sixty-six and sixty-six A. The commission shall exclude personally identifiable information regarding the subjects of investigations and shall carry out the responsibilities of this section in such a way as to disclose as little personally identifiable information as possible.

(7) The commission shall develop, in consultation with the secretary of the executive office for health and human services, standards for referral of investigations to the agencies within the executive office for health and human services pursuant to section three of chapter nineteen C.

(8) The commission shall submit an annual report to the secretary of the executive office for health and human services, the general court, and the governor concerning: the action it has taken to accomplish its purpose; the names and salaries and duties of all individuals in its employ; the money it has disbursed; and all other matters within its jurisdiction as necessary.

### *Managed Care Oversight Board*

Section 9Q. (a) The executive office for health and human services shall include the managed care oversight board, referred to as the board.

(b) The board shall consist of the following members: the secretary of the executive office for health and human services, the commissioner of insurance, the commissioner of public health, the commissioner of the department of mental health, the executive director of the group insurance commission, the director of consumer affairs and business regulation, a physician member of the board of registration of medicine to be appointed by the governor, and the secretary of administration and finance. The board shall be chaired by the secretary of the executive office for health and human services. Each member may appoint a designee to serve in the member's place.

(c) (1) There shall be an advisory committee to advise the board on issues relating to managed care practices including, but not limited to, issues involving health care cost, quality, and access.

(2) The committee shall consist of one person who shall represent Health Care for All; one person who shall represent the Massachusetts Medical Society; one person who shall represent the Massachusetts Association of Health Maintenance Organizations; one person who shall represent Blue Cross Blue Shield of Massachusetts; one person who shall represent the Associated Industries of Massachusetts; one person who shall represent the Massachusetts Nurses Association; one person who shall represent the Massachusetts Hospital Association; one person who shall represent the Ad Hoc Committee to Defend Health Care; and seven members to be appointed by the board, one of whom shall represent a mental health consumer advocacy organization; one of whom shall represent a senior citizen organization; one of whom shall represent an organization representing the disabled and chronically ill; one of whom shall represent community health centers; one of whom shall represent the Massachusetts Healthcare purchaser group; one of whom shall represent the Life Insurance Association of Massachusetts; and one of whom shall represent a utilization review organization not otherwise represented.

(3) The advisory committee shall elect a chair from among its members and adopt bylaws for its proceedings, and shall designate one of its members to serve as liaison to the board.

(4) The advisory committee shall have the right to review and comment on all rules, regulations, and guidelines issues by the office of patient protection and the managed care bureau at least 60 days before the date such regulations become final, or such time period as determined to be reasonable by the secretary of health and human services.

(d) The board shall exercise the following powers and duties:

(1) the board shall have oversight authority over the office of patient protection in the department of public health under section two hundred seventeen of chapter one hundred eleven and the managed care bureau in the division of insurance established by section two of chapter one hundred seventy-six O; provided, however, that the board's authority in this regard shall be limited to coordinating functions between the office and the bureau and reviewing and commenting upon regulations promulgated by those entities; and

(2) the board shall have no authority to approve or disapprove of such regulations except to the extent of conflict between regulations promulgated or proposed or any actions undertaken by the two entities, in order to avoid redundancy and duplication of effort.

### *Betsy Lehman Center for Patient Safety and Medical Error Reduction*

Section 9R. (a) The executive office for health and human services shall include the Betsy Lehman center for patient safety and medical error reduction, referred to as the center. The purpose of the center shall be to serve as a clearinghouse for the development, evaluation and dissemination, including, but not limited to, the sponsorship of training and education programs, of best practices for patient safety and medical error reduction.

(b) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Adverse event", injury to a patient resulting from a medical intervention and not to the underlying condition of the patient.

"Board", the patient safety and medical errors reduction board.

"Center", the Betsy Lehman center for patient safety and medical error reduction.

"Incident", an incident which, if left undetected or uncorrected, might have resulted in an adverse event.

"Medical error", the failure of medical management of a planned action to be completed as intended or the use of a wrong plan to achieve an outcome.

"Patient safety", freedom from accidental injury.

(c) (1) Within the center, there shall be established a patient safety and medical errors reduction board.

(2) The board shall consist of the secretary of health and human services, the director of consumer affairs and business regulations, and the attorney general.

(3) The board shall appoint, in consultation with the advisory committee, the director of the center by a unanimous vote and the director shall, under the general supervision of the board, have general oversight of the operation of the center.

(4) The director may appoint or retain and remove such expert, clerical, or other assistants as the work of the center may require.

(5) The coalition for the prevention of medical errors shall serve as the advisory committee to the board. The advisory committee shall, at the request of the director, provide such advice and counsel as it deems appropriate including, but not limited to, serving as a resource for studies and projects undertaken or sponsored by the center. The advisory committee may also review and comment on regulations and standards proposed or promulgated by the center, but such review and comment shall be advisory in nature and shall not be considered binding on the center.

(d) The center shall exercise the following powers and duties:

(1) coordinate the efforts of state agencies engaged in the regulation, contracting, or delivery of health care, and those individuals or institutions licensed by the commonwealth to provide health care, to meet their responsibilities for patient safety and medical error reduction;

(2) assist all such entities to work as part of a total system of patient safety;

(3) develop appropriate mechanisms for consumers to be included in a statewide program for improving patient safety;

(4) coordinate state participation in any appropriate state or federal reports or data collection efforts relative to patient safety and medical error reduction;

(5) analyze available data, research, and reports for information that would improve education and training programs that promote patient safety;

(6) develop and administer a patient safety and medical error reduction education and research program to assist health care professionals, health care facilities, agencies, and the general public regarding issues related to the causes and consequences of

medical error and practices and procedures to promote the highest standard for patient safety in the commonwealth;

(7) identify and disseminate information about evidence-based best practices to reduce medical errors and enhance patient safety;

(8) develop a process for determining which evidence-based best practices should be considered for adoption;

(9) serve as a central clearinghouse for the collection and analysis of existing information on the causes of medical errors and strategies for prevention; and

(10) increase awareness of error prevention strategies through public and professional education.

(e) The information collected by the center or reported to the center shall not be a public record as defined in section seven of chapter four, shall be confidential, and shall not be subject to subpoena or discovery or introduced into evidence in any judicial or administrative proceeding, except as otherwise specifically provided by law.

(f) (1) The center shall report to the governor and the general court relative to the feasibility of developing standards for patient safety and medical error reduction programs for any state department, agency, commission, or board to reduce medical errors, and the statutory responsibilities of the commonwealth, for the protection of patients and consumers of health care together with recommendations to improve coordination and effectiveness of the programs and activities. Such report shall be filed no later than December 31, 2003.

(2) The center shall report annually to the general court regarding the progress made in improving patient safety and medical error reduction. The center shall seek federal and foundation support to supplement state resources to carry out the center's patient safety and medical error reduction goals.

### *Executive Office for Public Safety and Homeland Security*

Section 10 (a). The executive office for public safety and homeland security shall serve as the principal agency of the executive department of the government of the commonwealth for the following purposes:

(1) Developing, coordinating, implementing, and overseeing policies and programs of the commonwealth relative to public

safety, criminal justice, law enforcement, homeland security, and emergency preparedness.

(2) Administering state and federal grant programs to provide comprehensive initiatives relative to public safety, criminal justice, law enforcement, homeland security, and emergency preparedness.

(b) The secretary for public safety and homeland security shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the executive office for public safety and homeland security and to any department, board, commission, committee, and other administrative unit and agency under said office. The secretary shall be the executive and administrative head of said office, and every department, board, commission, committee, and other administrative unit, and agency within said office shall be under his control and supervision.

(c) The secretary shall act as the executive officer of the governor in all matters pertaining to public safety, criminal justice, law enforcement, homeland security, and emergency preparedness. He shall:

(1) promulgate rules and regulations, and issue orders that are necessary to ensure public safety through effective law enforcement and sufficient criminal justice communication.

(2) advise the governor on all matters relative to public safety, including anti-terrorism and emergency preparedness.

(3) develop and implement such policies and procedures as he deems necessary to carry out the mission of said office and every department, board, commission, committee, and other administrative unit and agency under said office.

(4) coordinate with appropriate federal, state, and local law enforcement and criminal justice agencies to develop cohesive strategies to protect the public.

(5) conduct studies and provide training as he deems appropriate to reduce crime, rehabilitate offenders, and increase the effectiveness of criminal and juvenile justice and law enforcement professionals in the commonwealth.

(6) distribute state and federal grant monies and other appropriations as he deems appropriate and in accordance with the law, and

(7) have such other powers and duties as shall be assigned to him by law and that may from time to time be assigned to him by the governor in accordance with the law.

(d) Except as otherwise provided in this act, the secretary for public safety and homeland security shall:

(1) develop and implement, in conjunction with the criminal history systems board, an improved system for recording, updating, and communicating among criminal justice agencies of the executive office, and the trial court, the attorney general, the Massachusetts sentencing commission, the county sheriffs, and district attorneys, all criminal offender record information and information relevant to sentencing, probation, community corrections, correctional institutions, rehabilitation, and parole decisions in a manner consistent with law and with the rights of all persons who are subjects of such information;

(2) develop and implement a criminal justice management information system including the organized collection, storage, retrieval, analysis, and dissemination of information among criminal justice agencies of the executive office of public safety and homeland security, and the trial court, the attorney general, the Massachusetts sentencing commission, the county sheriffs, and the district attorneys of the seven districts;

(3) develop and implement a criminal justice research and evaluation program including the organized collection, storage, retrieval, and analysis of information to monitor and provide oversight of criminal justice agencies of the executive office of public safety and homeland security, the trial court, the attorney general, the Massachusetts sentencing commission, the county sheriffs, the district attorneys, and the public;

(4) develop standards for and coordinate training of state and county institutional and other personnel employed by an agency within the executive office of public safety and homeland security;

(5) develop and evaluate programs for the economical provision of sufficient state and county correctional resources to maintain public safety, prevent overcrowding, and operate criminal justice agencies and facilities safely and efficiently at or below nationally accepted rates of capacity;

(6) develop improved systems of classification of persons committed to the custody of probation, corrections, county corrections, or parole for the purposes of determining supervision treatment and custody needs of such persons, integrating and coordinating the functions of these agencies, and balancing the resources and demands of these agencies;

(7) develop and evaluate programs designed to reduce the rate of recidivism among persons committed to the custody of state and county correctional institutions, and those persons on parole, to better integrate and coordinate the functions of these agencies, and to balance the resources and demands of these agencies; and

(8) develop and implement a program to compile and annually publish statistics and information concerning the incidence each year of residential structural fires and crimes against property, including, but not limited to, arson. Such statistics shall be compiled on a geographic basis according to postal zip codes. All state and municipal fire and police authorities shall cooperate with the secretary in the collection and recording of such data. The secretary shall annually file a report of such statistics, together with his analysis of any trends discerned from the same, with the clerk of the senate and the clerk of the house of representatives, who shall forward copies to the joint committees on insurance, the judiciary and public safety, the house and senate committees on ways and means, the attorney general, and the commissioner of insurance, who shall forward copies to the joint underwriting association, formed pursuant to the provisions of chapter 175C, and to the insurance fraud bureau, formed pursuant to the provisions of chapter 338 of the acts of 1999.

(e) The secretary for public safety and homeland security shall appoint no more than three undersecretaries. Each person appointed as an undersecretary shall have experience in the field or functions of such positions, shall receive such salary as the secretary shall determine and shall devote his full time to the duties of the office.

Section 10A. The executive office for public safety and homeland security shall include: (1) the Massachusetts emergency management agency as provided in section 10B; (2) the military division (national guard) as provided in section 10C; (3) the department of fire services as provided in section 10D; (4) the department of state police as provided in section 10E; (5) the municipal police training committee as provided in section 10F; (6) the criminal history systems board as provided in section 10G; (7) the statewide emergency telecommunications board as provided in section 10H; (8) the office of the chief medical examiner as provided in section 10I; (9) the department of correction as provided in section 10J; (10) the parole board as provided in section 10K; (11) the registry of motor vehicles as provided in section 10L; (12) the sex offender registry board as provided in section 10M; and (13) the division of inspection and regulation as provided in section 10N. Within the executive office, the secretary may from time to time establish such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the executive office. When necessary for the efficient and economical administration of the work of the executive office, the secretary may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 10B. (a) The executive office for public safety and homeland security shall include the Massachusetts emergency management agency as established pursuant to chapter 639 of the acts of 1950. The agency shall prepare for and carry out all emergency functions, other than functions for which military forces other than the national guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage, or other hostile action or by fire, flood, earthquake, or other natural causes.

(b) There shall exist an unpaid civil defense advisory council called the defense council, as provided for in section 13-3 of the appendix to chapter 33. The governor shall appoint the members of the council. The defense council will advise the governor and executive director on matters pertaining to civil defense and shall be subject to the control and supervision of the governor.

(c) There shall exist within the emergency management agency a civil defense claims board to investigate claims filed by those participating in training or performing a duty in a civil defense matter, as outlined in section 13-11 of the appendix to chapter 33.

(d) The governor shall, in accordance with chapter 639 of the acts of 1950, with the advice and consent of the defense council, appoint an executive director to serve at his pleasure. The executive director shall devote full time to his duties at the agency, may not hold public office, and shall receive a salary as the governor and the defense council may approve. In addition, the executive director shall coordinate the activities of all organizations for civil defense within the commonwealth and shall cooperate and act as a liaison with the civil defense agencies of other states and the federal government. The director may also appoint experts, clerks, and other assistants and may remove them, as needed, to the agency.

(1) The executive director may establish within the agency such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the agency. When necessary for the efficient and economical administration of the work of the agency, the executive director may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(2) In accordance with Executive Order No. 144, the secretary for public safety and homeland security, acting through the executive director, shall act as state coordinating officer in the event of emergencies and natural disasters and shall be responsible for the coordination for all activities undertaken by the commonwealth and its political subdivisions in response to the threat and occurrence of emergencies or natural disasters.

(3) The executive director shall also designate certain areas of the commonwealth as nuclear power plant areas in accordance with section 13-2B of the appendix of chapter 33.

(e) Notwithstanding any general law or special law to the contrary, the emergency management agency shall be responsible for the following: (i) establishing fire mobilization districts as outlined in Executive Order 221; (ii) developing and establishing emergency plans for response to a radiological emergency originating at the Seabrook Nuclear Power Station as outlined in Executive Order 303; (iii) establishing standards for the construction of air-raid, bomb, or fall-out shelters as outlined in clause 40, in section 5 of chapter 59; (iv) making an assessment against each operator of a nuclear power plant inside and outside the commonwealth which is within a ten mile radius of a municipality within the commonwealth as outlined in section 304 of chapter 164 in the acts of 1997; and (v) coordinating with other emergency response systems, including police and fire departments, for the commonwealth's emergency medical services systems, as outlined in section one of chapter 54 of the Acts of 2000.

(f) The Massachusetts emergency management agency shall meet its purpose and perform its function in accordance with all laws of the commonwealth and shall prepare for and carry out all emergency functions with the highest standards of professionalism and with attention to the issues of the public safety.

Section 10C. (a) The executive office for public safety and homeland security shall include a military division constituted from the organized militia as defined in section 4 of chapter 33.

(b) The mission of the military division is to provide combat ready units to the United States Army and United States Air Force in support of the national military strategy; to provide planning, coordination, and military capabilities in response to state and local emergencies in order to restore peace, order, and public safety; and to add value to communities with the active involvement of soldiers and airmen.

(c) The military division is comprised of the organized militia as set forth in section 4 of chapter 33, which includes: volunteers, aides de camp of the commander-in-chief, the state staff, the armed forces of the commonwealth as set forth in section 10 of chapter 33 (principally the Army National Guard and the Air National Guard), and other entities stated therein.

(d) The principal staff officers, qualifications, and duties, are set forth in section 15 of chapter 33. The appointment and removal of military officers shall occur as set forth in Amendment Article LIII, amending Article X of Section 1, Chapter II, of Part the Second of the Constitution.

(e) Within the military division shall be: the Massachusetts military academy as set forth in section 19 of chapter 33; an armory commission and a division of civil defense as set forth on section 18 of chapter 6 and section 19A of chapter 33; and, a military service commission as set forth in section 22 of chapter 33.

(f) The powers of the of the military division flow directly from the governor, acting in his capacity as the commander-in-chief, as set forth in Amendment Article LIV, amending Article VII of Section 1, Chapter II, of Part the Second of the Constitution.

(g) The commander-in-chief may make and publish regulations for the government of the military division in accordance with section 5 of chapter 33.

(h) The commander-in-chief may establish within the military division such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the military division. When necessary for the efficient and economical administration of the work of the military division, the commander-in-chief may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 10D. (a) The executive office for public safety and homeland security shall include a department of fire services under the supervision and control of the state fire marshal as set forth in section 1 of chapter 22D.

(b) The state fire marshal shall be the executive and administrative head of the department in accordance with section 2 of chapter 22D. The state fire marshal shall be appointed in accordance with the provisions of section 3 of chapter 22D.

(c) The department of fire services shall include the following divisions:

(1) a division of training, including the Massachusetts fire training council, established by sections 164 and 165 of chapter 6 and the Massachusetts firefighting academy, established by section 165A of said chapter 6. Said firefighting academy shall be directed by an executive director who shall be appointed by the Massachusetts fire training council and shall appoint such staff as may be necessary to carry out the function of said academy. Said academy shall be the sole agency responsible for the training of all fire service personnel in the commonwealth in accordance with the provisions of section 165A of chapter 6.

(2) a division of underground storage tanks, including the underground storage tank petroleum product cleanup fund administrative review board as established by chapter 21J.

(9) a division of fire safety under the charge of a director to be known as the director of fire safety.

(10) a division of hazardous materials under the charge of a director to be known as the director of hazardous materials. The director of hazardous materials shall administer the regional hazardous material response teams in accordance with the provisions of chapter 21K.

(d) There shall be within the department, but not under the control of the state fire marshal, the board of fire prevention regulations. The establishment and membership of said board shall be in accordance with the provisions of section 4 of chapter 22D. Said board shall promulgate a comprehensive fire safety code and such other rules and regulations in accordance with the provisions of sections 9, 9A, 10, 12, 13, 25A, 25C, 25D, 28, 38, 38E, 39A, and 58 of chapter 148. The board shall also promulgate the commonwealth's electrical code in accordance with section 3L of chapter 143.

(e) There shall be within the department a hazardous materials mitigation emergency response board. The establishment and membership of said board shall be in accordance with the provisions of section 2 of chapter 21K. Said board shall review the development of standards, rules, procedures, and regulations for the commonwealth's hazardous materials mitigation emergency response and cost recovery.

(f) In accordance with the provisions of section 2 of chapter 22D, the state fire marshal, as the administrative head of the department of fire services, shall appoint such administrative and support staff as are necessary for the operation of the department, its divisions, and related boards and commissions, including, but not limited to, a fire service commission in accordance with section 165B of chapter 6.

(g) The state fire marshal shall carry out the duties and responsibilities of said position including, but not limited to, such duties and responsibilities required under chapter 148 and related rules and regulations. The marshal's duties shall include, but not be limited to, the following:

(1) The marshal shall perform the duties as the executive and administrative head of the department of fire services in accordance with section 2 of chapter 22D.

(2) The marshal shall investigate or cause to be investigated the circumstances of all fires or explosions of suspicious origin within the commonwealth in accordance with section 3 of chapter 148.

(3) The marshal shall conduct inspections of buildings, structures, premises, and property, and shall investigate the existence of conditions likely to cause fire in accordance with the provisions of sections 4 and 5 of chapter 148.

(4) The marshal shall maintain and disseminate certain records, reports, and data relating to fire and explosion incidents within the commonwealth. Such reporting requirements include, but are not limited to, the following:

(i) issuing reports relating to the cause and origin of fire or explosion and the insurance on the property and such other information as required by section 2 of chapter 148;

(ii) issuing reports to the commissioner of insurance relative to the progress of certain investigations and prosecutions relating to fires and explosions and the official action relating thereto as required by sections 3 and 7 of chapter 148;

(iii) assisting the secretary of public safety and homeland security in compiling and reporting, on an annual basis, the statistics relative to residential structural fires and crimes against property, including arson;

(iv) sharing of reports or other related information relating to fire losses between the marshal, certain other government agencies, and insurance companies as required by sections 8 and 132 of chapter 148; and

(v) the collection of reports submitted by attending physicians who treat persons with burn injuries affecting five percent or more of the surface area the body as required by section 12A of chapter 112.

(h) The marshal may employ experts and maintain a laboratory to aid in the enforcement of the laws relative to explosives, flammable fluids, and compounds in accordance with the provisions of section 11 of chapter 148.

(i) The marshal or the department of fire services, as the case may be, shall issue certain licenses, certificates, and permits pursuant to chapter 148 and the rules and regulations of the board of fire prevention regulations.

(j) The marshal shall hear appeals of persons aggrieved by any act, order, or decision of the head of a fire department in so far as the appeal presents a direct question of a fire or explosion hazard in accordance with the provisions of section 31 of chapter 148.

(k) The marshal shall, as required by chapter 30A, conduct administrative hearings relating to the suspension or revocation of any permit, license, or certificate issued by the marshal.

(l) The marshal shall study fire hazard and fire prevention and all matters relating thereto, hear suggestions and complaints from all persons and from all cities and towns, advise the officers of such cities and towns, and make suggestions to the general court and to the cities and towns looking to the improvement of the laws, ordinances, and by-laws relating to fire departments, construction of buildings, building or fire limits, use and occupation of buildings and other premises, protection of existing buildings, fire escapes, and other life-saving devices, segregation and licensing of trades dangerous by reason of fire hazard, and all other matters relating to fire prevention and fire hazards in accordance with the provisions of section 33 of chapter 148.

(m) The marshal may establish within the department such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the marshal may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 10E. (a) The executive office for public safety and homeland security shall include a department of state police for the purpose of providing public safety as the principal statewide law enforcement agency in the commonwealth.

(b) The department shall be under the direction of a colonel and shall have the powers and duties as set forth in section 3 of chapter 22C.

(c) The department shall have the powers and duties set forth in chapter 22C and have other powers and duties as provided under law, including, but not limited to the following:

(1) enforcing criminal laws under chapters 208, 209, 215, 266, 269, 270, 271, and 272;

(2) enforcing motor vehicle and motorboat laws under chapters 90, 90B, and 90C;

(3) providing police services in areas previously performed by the capitol police, metropolitan district commission police, and the registry of motor vehicles police as set forth in section 138 of chapter 412 of the acts of 1991; to Fort Devens under section 12 of chapter 498 of the acts of 1993; to Foxboro Stadium under section 7 of chapter 16 of the acts of 1999, as amended by St. 2000, c. 72; at the Massachusetts turnpike authority under sections 10 and 19 of chapter 81A; to the commonwealth zoological corporation under section 5 of chapter 92B; to the department of correction under section 1 of chapter 124; to the racing commission under section 8 of chapter 128; to the New England state police compact under sections 1-1, 1-2, and 1-3 of the appendix to chapter 147; and to the governor's auto theft strike force under section 10A of chapter 175A;

(4) providing investigatory police services to the disabled persons protection commission under section 3 of chapter 19C; to the national guard under section 111 of chapter 33; and as a certifying authority for firearms under section 121A of chapter 140;

(5) providing education and training on racial profiling under sections 1 through 10 of chapter 228 of the Acts of 2000 as amended by St. 2000, c. 420; and registration and training for search and rescue volunteers under section 85A of chapter 231;

(6) maintaining or utilizing law enforcement databases for unidentified decedent fingerprints and dental records under sections 5 and 6 of chapter 22A; for mandatory physician reporting of firearms and significant burn wounds under section 12A of chapter 112; for penal institution prisoner identification data under section 23 of chapter 127; for fugitive of justice identifying information under section 25 of chapter 127; for fingerprints and photographs of felony suspects under section 1A of chapter 263;

(7) fulfilling crime laboratory obligations for the collection of DNA samples from sex offenders under chapter 22E; providing drug and alcohol analysis for death in a single vehicle accident under section 4A of chapter 38; assisting the chief medical examiner under section 5 of chapter 38; and, for certifying for breath testing devices under section 24K of chapter 90;

(8) fulfilling licensing requirements under chapter 140; and sections 24 and 25 of chapter 147;

(9) fulfilling disposition requirements for firearms and other dangerous weapons under chapter 269; and

(10) fulfilling any other duties as set forth in statute, regulation, or special law.

(d) The department of state police shall include four divisions, which shall be known as: the division of field services; the division of investigative services; the division of standards and training; and the division of administrative services pursuant to sections 3 and 4 of chapter 22C.

(1) The department of state police shall include a division of field services for the purpose of providing road patrol services and special operations resources for rapid response in emergency situations pursuant to sections 3 and 5 of chapter 22C.

(i) The colonel shall designate the head of the division who shall hold such rank or temporary rank as the colonel may determine pursuant to sections 3 and 5 of chapter 22C.

(ii) The division shall perform patrol, regulatory, investigative, compliance, inspection, and response functions and have all the powers set forth in subsection (c) above.

(iii) The division shall include field troops with geographical areas of responsibilities that cover the entire commonwealth. The division shall contain other units to meet compliance, inspection, regulatory, investigative, and response functions.

(2) The department of state police shall include a division of investigative services for the purpose of providing forensic and investigative services to the commonwealth's cities and towns pursuant to sections 3 and 6 of chapter 22C.

(i) The colonel shall designate the head of the division who shall hold such rank or temporary rank as the colonel may determine pursuant to sections 3 and 6 of chapter 22C.

(ii) The division shall investigate criminal acts and apprehend offenders, provide the technical resources and expertise needed to maximize the use of forensic science in prosecutions, and collect and analyze crime information and have all the powers set forth in subsection (c) above.

(iii) The division shall include a state crime laboratory, with a state DNA database under chapter 22E under the direction of a director pursuant to section 2 of chapter 22E; a crime reporting unit pursuant to sections 33, 34 and 35 of chapter 22C; a violent fugitive arrest section pursuant to section 36A of chapter 22C, a criminal information section pursuant to section 38 of chapter 22C, a narcotics unit pursuant to section 40 of chapter 22C; and statewide investigative units.

(3) The department of state police shall include a division of standards and training for the purpose of ensuring the integrity and competence of department personnel and operations and to provide department training expertise to other law enforcement agencies as needed for its mission pursuant to section 3 and 7 of chapter 22C.

(i) The colonel shall designate the head of the division who shall hold such rank or temporary rank as the colonel may determine pursuant to section 3 and 7 of chapter 22C.

(ii) The division shall train and educate department members and others as appropriate to the department mission, investigate and prosecute misconduct by department members, inspect department operations and facilities, and have all the powers set forth in subsection (c) above.

(iii) The division shall include an academy, internal investigations, and inspection groups.

(4) The department of state police shall include a division of administrative services for the purpose of providing the day-to-day resources and support necessary for efficient operations of the department pursuant to section 3 and 8 of chapter 22C.

(i) The colonel shall designate the head of the division pursuant to sections 3 and 8 of chapter 22C.

(ii) The division shall manage department resources in an efficient manner and have all the powers set forth in subsection (c) above.

(iii) The division shall include supply, communications, fleet, facilities management, and finance.

(5) The colonel may establish within the department such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the colonel may also abolish

or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 10F. (a) The executive office for public safety and homeland security shall include the municipal police training committee for the purpose of establishing policies and standards for the training of municipal police officers and candidates for appointment as municipal police officers in accordance with applicable laws and regulations, including the training mandated by sections 116A to 116C of chapter 6, section 36B of chapter 40, sections 96B and 97B of chapter 41 and sections 24M of chapter 90. Pursuant to section 116 of chapter 6, the committee shall review and recommend to the secretary for public safety and homeland security an annual appropriation for the administration of the committee, the operations of a headquarters and regional training centers, and the delivery of standardized training at the centers.

(b) The municipal police training committee shall have an executive director, as provided for in section 116 of chapter 6, selected by the secretary for public safety and homeland security from a list of nominations submitted by the committee. This position shall be classified under section 45 of chapter 30 and the salary determined by section 46C of chapter 30. There shall be a committee, as outlined in section 116 of chapter 6, consisting of 11 voting members who shall serve terms of 3 years, and there shall be 16 advisory, nonvoting members of the committee. The committee shall elect a chairman annually and shall provide nominations for the selection of an executive director to the secretary for public safety and homeland security, as needed.

(c) In addition to the primary duties of the committee, the committee is responsible for the following:

(i) establishing and developing a course within the basic training curriculum for the handling of domestic violence complaints as outlined in section 116A of chapter 6;

(ii) providing instruction for police officers in identifying, responding to, and reporting all incidents of hate crimes as outlined in section 116B of chapter 6;

(iii) developing and establishing courses on the use and application of technology to increase public safety as outlined in section 116C of chapter 6;

(iv) approving training schools and promulgating rules subject to the approval of the governor and the municipal police training council as outlined in section 118 of chapter 6;

(v) establishing and providing training for the detection, intervention, and prevention of suicide as outlined in section 36C of chapter 40; and,

(vi) establishing and providing training regarding alcohol education as outlined in section 24M of chapter 90.

(d) The chairman may establish within the committee such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the committee. When necessary for the efficient and economical administration of the work of the committee, the chairman may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(e) The municipal police training committee shall meet its purpose and perform its function in accordance with all laws of the commonwealth and shall ensure that the training of municipal police officers and candidates is conducted with the highest standards of professionalism and with attention to the issues of the public safety.

Section 10G. (a) There shall be within the executive office for public safety and homeland security, the criminal history systems board. The board shall promulgate regulations regarding the collection, storage, access, dissemination, content, organization, and use of criminal offender record information and exercise control over the installation, operation, and maintenance of the criminal offender record information systems in accordance with section 168 of chapter 6. The board shall make an annual report to the governor and file a copy thereof with the state secretary, the clerk of the house of representatives, and the clerk of the senate.

(b) There shall be a criminal history systems board consisting of eighteen members in accordance with section 168 of chapter 6. The board shall:

(1) provide for and exercise control over the installation, operation, and maintenance of data processing and data communication systems, hereinafter called the criminal offender record information system, and to connect such systems directly or indirectly

with similar systems in this or other states as set forth in section 168 of chapter 6;

(2) appoint employees, including experts and consultants, as it deems necessary to carry out the responsibilities as set forth in section 168 of chapter 6;

(3) enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from any department, agency or subdivision of federal, state, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities or staff assistance in connection with its work as set forth in section 168 of chapter 6;

(4) review agency decisions which deny access to evaluative information as defined by section 168 of chapter 6 and as subject to the provisions of sections 172 and 178 of chapter 6, as if such information was criminal offender record information, as set forth in section 171 of chapter 6;

(5) hear complaints alleging that criminal offender record information, evaluative information, or records of juvenile proceedings have been unlawfully disseminated or obtained, and to issue orders enforcing its rules and regulations as forth in section 168 of chapter 6;

(6) certify those agencies and individuals requesting access to criminal offender record information that qualify for such access under clauses (a), (b), or (c), and shall make a finding in writing of eligibility or noneligibility of each such agency or individual which requests such access at outlined in section 172 of chapter 6 and in accordance with sections 172C-I inclusive of chapter 6 and section 38R of chapter 71;

(7) provide a procedure for the inspection of and correction of inaccurate or incomplete criminal offender record information as set forth in section 175 of chapter 6;

(8) assess fees for requests for criminal offender record information as set forth in section 172A of chapter 6;

(9) supervise the participation by all state and local agencies in any interstate system for the exchange of criminal offender record information as outlined in section 174 of chapter 6 and aand designate the number and placement of terminals to criminal justice agencies;

(10) certify a victim of crime, as defined in section 1 of chapter 258B, witness, or family member of a homicide victim to receive criminal offender record information that relates to the offense in which such person was involved as set forth in section 178A of chapter 6;

(11) establish and maintain a central computerized registry of all sex offenders required to register pursuant to sections 178C to 178P of chapter 6, inclusive, known as the sex offender registry board, in cooperation with the sex offender registry board, as outlined in section 178D of chapter 6;

(12) establish with the department of state police and under the direction of regulations promulgated by the executive office for public safety and homeland security, a state firearms information system pursuant to sections 121 to 131P, inclusive, of chapter 140, as set forth in section 2SS of chapter 29;

(13) certify the motor vehicle insurance merit rating board and each insurance company doing motor vehicle insurance business within the commonwealth for access to criminal offender record information pertaining to violation of chapter ninety by its insured as set forth in section 178D of chapter 6;

(14) collect incident reports submitted by state, local, and campus police departments and other law enforcement authorities with the department of state police for the crime reporting unit as set forth in section 32 of chapter 22; and from the local police on a monthly basis incidents of domestic violence in the form of the National Incident-Based Reporting Systems as set forth in section 6 of chapter 209A;

(15) maintain the warrant management system on the criminal justice information system and make this information accessible through the criminal justice information system to law enforcement agencies and the registry of motor vehicles as set forth in section 23A of chapter 276;

(16) remit to the department of employment and training, the division of transitional assistance, the division of industrial accidents, and to each licensing authority that issues a professional license, certificate, permit, or authorization to engage in a profession, trade, or business, evidence of an outstanding default or arrest warrant appearing in the warrant management system as

established by sections 23A and B of chapter 276, section 25 of chapter 151A, and section 7 of 152;

(17) establish with the department of state police the statewide central register for missing children as set forth in sections one through nine of chapter 22A;

(18) receive notice of the suspension of an operator's license upon the issuance of a complaint as set forth in section 24 of chapter 90;

(19) certify victims of violent crimes or sex offenses to testify at parole hearings as set forth in section 133E at chapter 127; and

(20) implement, in conjunction with the secretary for public safety and homeland security, an improved system for recording, updating, and communicating among criminal justice agencies of the executive office, the trial court, the attorney general, the Massachusetts sentencing commission, the county sheriffs, and district attorneys, all criminal offender record information relevant to sentencing, probation, community corrections, correctional institutions, rehabilitation, and parole decisions in a manner consistent with law and with the rights of all person who are subjects of such information as set forth in section 10(d) of this chapter, and to develop and implement a criminal justice management information system as set forth in section 10(d) of this chapter.

(c) The secretary for public safety and homeland security, shall, after reviewing final applicants with and securing the approval of the board, appoint an executive director who shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30, as set forth in section 168 of chapter 6. The executive director of the criminal history systems board shall:

(1) oversee all data processing and the management of the automated criminal offender record information and teleprocessing system as set forth in section 168 of chapter 6;

(2) supervise all personnel associated with that system and appoint personnel, except as otherwise provided by the board as set forth in section 168 of chapter 6;

(3) promulgate rules and regulations to ensure the prompt collection, exchange, dissemination, and distribution of firearms license information as set forth in 122A of chapter 140 and shall furnish the licensee with the necessary sales record books;

(4) promulgate, in conjunction with the secretary of the executive office for public safety and homeland security, rules and regulations implementing a statewide firearms surrender program as set forth in section 131O of chapter 140;

(5) promulgate regulations in accordance with chapter 30A to establish criteria for persons who shall be classified as bona fide collectors of firearms as set forth in section 131(p) of chapter 140;

(6) serve as the director of the central register for missing children and, with the advice and consent of the colonel of the state police, promulgate rules and regulations for the establishment and operation of the central register for missing children as set forth in sections one through nine of chapter 22A;

(7) send to the holder of a firearm identification card or license to carry firearms designated as Class A or Class B, a notice of expiration by first class mail as set forth in sections 129B and 131 of chapter 140;

(8) conduct a criminal background check on any license applicant who is seeking to be licensed for a firearm identification card or a license to carry firearms designated as Class A or Class B, as set forth in sections 129B of 131 of chapter 140, and shall communicate to the licensing authority any disqualifying condition discovered or occurring subsequent to the issuance of a firearm identification card or license to carry;

(9) provide standard forms for the issuance of firearm identification cards and firearm licenses as set forth in sections 129B(7) and 131(g) of chapter 140;

(10) receive notification as set forth in sections 122, 123, 125, 127, 129B, 129C, and 131 of chapter 140.

(d) The executive director may establish within the board such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the board. When necessary for the efficient and economical administration of the work of the board, the executive director may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(e) Within the criminal systems board, the director of the firearms record keeping bureau shall be a member of the gun control advisory board as set forth in section 131½ of chapter 140 which shall advise the executive office for public safety and homeland security on matters relating to the implementation of sections 121 to 131P, inclusive and section 2SS of chapter 29. With the approval of the board, the executive director shall appoint the director of the firearms record keeping bureau.

Section 10H. (a) In this section, and in section 14A of chapter 166, the following words shall, unless the context clearly requires otherwise, have the following meaning:

"Automatic number identification", an enhanced 911 service capability that allows for the automatic display of the seven digit number used to place a 911 call.

"Automatic location identification", an enhanced 911 service capability that allows for the automatic display of information relating to the geographical location of the telephone used to place a 911 call.

"Board", the statewide emergency telecommunications board.

"Director", the executive director of the statewide emergency telecommunications board.

"Enhanced 911 service", a service consisting of telephone network features provided for users of the public telephone system enabling such users to reach a public safety answering point by dialing the digits 911. Such service directs calls to appropriate public safety answering points based on selective routing, and also provides the capability for automatic number identification and automatic location identification.

"Enhanced 911 network features", those features which provide selective routing, automatic number identification and automatic location identification.

"Enhanced 911 systems", a distinct entity or geographical segment in which enhanced 911 service is provided. It consists of an electronic switching system serving as a control office and trunking connecting all central offices within a geographical segment and the public safety answering points and circuits from such public safety answering points to a data base for retrieval of location information.

"FCC Order", all orders issued by the Federal Communications Commission pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102; RM 8143), or any successor proceeding, including all other criteria established therein, regarding the delivery of wireless enhanced 911 service by a wireless carrier.

"Local exchange service", telephone exchange lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information.

"Municipality", any city or town in the commonwealth.

"Network components", includes the software and hardware for the control office, other central office modification, trunking and all components of the computer storage system and data base used for selective routing of 911 calls and automatic location identification, including a public safety answering point.

"Public safety agency", a functional division of a municipality or the state which provides fire fighting, law enforcement, ambulance, medical, or other emergency services.

"Private safety agency", any entity, except for a municipality or a public safety agency, providing emergency police, fire, ambulance, or medical services.

"Public safety answering point", a facility assigned the responsibility of receiving 911 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 911 calls to other public or private safety agencies.

A primary public safety answering point is equipped with automatic number identification and automatic location identification displays, and is the first point of reception of a 911 call. It serves the municipality in which it is located, and other cities and towns as may be determined by the board.

A secondary public safety answering point is equipped with automatic number identification and automatic location identification displays. It receives 911 calls only when they are transferred from the primary public safety answering point or on an alternative routing basis when calls cannot be completed to the primary public safety answering point.

A ringing public safety answering point is equipped for receipt of voice communications only, and may not operate 24 hours each day. It receives 911 calls that are transferred from the primary public safety answering point.

"Selective routing", the method to direct 911 calls to the appropriate public safety answering point based on the geographical location from which the call originated.

"Subscriber", an end user who receives telephone exchange access service.

"Telephone company", includes all persons, firms, corporations, associations, and joint stock associations or companies, as defined in chapter 159, furnishing or rendering local telephone exchange service.

"Wireless carrier", all commercial mobile radio services, as that term is defined in 47 U.S.C. section 332(d).

"Wireless enhanced 911 service", the service required to be provided by wireless carriers pursuant to the FCC Order.

(b)(1) The executive office of public safety and homeland security shall include the statewide emergency telecommunications board consisting of the secretary of public safety and homeland security; the director of the office of consumer affairs and business regulation; the director of the Massachusetts emergency management agency and office of emergency preparedness; the chief information officer of the information technology division; the state fire marshal; the colonel of state police and the police commissioner of the city of Boston; the executive director of the state office of handicapped affairs; and thirteen members to be appointed by the governor, three of whom shall be representatives of the Massachusetts Chiefs of Police Association, three of whom shall be representatives of the Massachusetts Fire Chiefs Association, one of whom shall be a representative of the Massachusetts Emergency Medical Care Advisory Board, one of whom shall be a representative of the Massachusetts Police Association, one of whom shall be a representative of the Professional Fire Fighters of Massachusetts, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall represent the interests of the vision impaired, one of whom shall represent the interests of the hearing impaired, and one of whom shall represent the interests of the mobility impaired.

(2) The board shall coordinate and effect the implementation of enhanced 911 service and wireless enhanced 911 service, and administer such service in the commonwealth. The board shall promulgate rules and regulations for the administration of such

service in accordance with chapter 30A. Not later than 6 months after its organization, the board shall establish technical and operational standards for the establishment of public safety answering points which utilize enhanced 911 network features in accordance with section 14A of chapter 166 and section 18C of this chapter. Cities and towns shall comply with such standards in the design, implementation, and operation of public safety answering points. The board may inspect each public safety answering point that utilizes enhanced 911 network features to determine if it meets the requirements of said section and all other technical and operational standards required by law. In implementing wireless enhanced 911 service, the board shall promulgate rules and regulations consistent with the provisions required by the Federal Communications Commission.

The number of public safety answering points and answering positions at primary public safety answering points shall be determined by the board according to a formula that takes into account cost, efficiency, and the public safety needs of cities and towns. Applications for secondary public safety answering points shall be reviewed and approved by the board. The installation and operation costs of secondary public safety answering points shall be the responsibility of the applicant.

(11) The governor shall annually designate the chairman of the board from among its members. The board shall meet at least annually, and at other times as determined by the chairman, who shall notify all members of the time and place of all such meetings; provided, however, that a special meeting may be called at any time by a request of a majority of the board members. Members of the board shall receive no compensation, but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties.

(12) The secretary of public safety and homeland security shall appoint and, subject to appropriation or funds otherwise available from other sources, fix the salary of an executive director, after reviewing final applicants with the approval of the board. Said director shall be responsible for administering, directing, and managing the affairs and business of the board, for the supervision of all personnel associated with the enhanced 911 system, and for the appointment of all such personnel except as otherwise pro-

vided by the board. The director shall not be subject to the provisions of section 9A of chapter 30 or 31, but shall be classified in accordance with section 45 of said chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The executive director, with the approval of the board, may appoint such other employees, including experts and consultants, as he deems necessary, subject to appropriation or available funds, to carry out the board's responsibilities.

(13) The executive director may establish within the board such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the board. When necessary for the efficient and economical administration of the work of the board, the executive director may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(14) The board shall submit a written annual report to the governor and shall file a copy thereof with the state secretary, the clerk of the house of representatives, and the clerk of the senate.

(15) The board is hereby authorized to enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, state, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities, or staff assistance in connection with its work. Such funds shall be deposited with the state treasurer and may be expended by the board in accordance with the provisions of section 17B of chapter 10.

(16) No provision of this section shall be construed or interpreted to alter the regulation of providers of telecommunications services pursuant to chapter 159.

(17) The board shall work with the disability community and with cities and towns to ensure that wireless carriers are aware of the availability of and encouraged to use adaptive technology, and to ensure that wireless enhanced 911 service is accessible to persons with disabilities to the maximum extent feasible.

(c)(1) Each public safety answering point shall be capable of transmitting a request for law enforcement, fire fighting, medical, ambulance, or other emergency services to a public or private safety agency that provides the requested services.

(2) Each primary public safety answering point shall be equipped with a system approved by the board for the processing of requests for emergency services from persons with disabilities.

(3) Except as approved by the board, no person shall permit an automatic alarm or other alerting device to dial the numbers 911 automatically or provide a prerecorded message to access emergency services directly.

(4) A public safety agency or private agency that receives a request for emergency service outside of its jurisdiction shall promptly forward the request to the public safety answering point or public safety agency responsible for that geographical area. Any emergency unit dispatched to a location outside its jurisdiction in response to such request shall render service to the requesting party until relieved by the public safety agency responsible for that geographical area.

(5) Municipalities may enter into written cooperative agreements to carry out the provisions of subsections (1), (2), and (4).

(d)(1) Each municipality in the commonwealth shall establish, staff, and operate, in conjunction with one or more other municipalities or by itself, a public safety answering point on a 24 hour a day, seven days a week basis, in a manner and according to a schedule to be approved by the board. Each such municipality also shall submit for approval its recommendations for providing enhanced 911 service in such municipality along with any other required information to the board within 12 months of the promulgations of standards by the board.

(2) The board shall review each proposed municipal plan to determine if it meets the requirements of law, and the technical and operational standards established by the board. The board shall require primary public safety answering points to display automatic number identification, automatic location identification, and may require other enhanced 911 features that are or may become available; provided, however, that the purchasing and installation costs of any additional mandatory enhanced 911 features shall be the responsibility of a telephone company as provided in section seven. The primary public safety answering point

shall be designed according to the plan as specified in subsection (3).

(3) The board shall develop, not later than 18 months after the promulgation of standards, a statewide plan for the implementation and maintenance of enhanced 911 service. Such plan shall include the following:

(i) division of the commonwealth into geographical segments. An enhanced 911 system shall be established for each municipality or county, or by groups of municipalities or counties, as specified by the board;

(ii) an implementation schedule, developed after consultation with telephone companies, for the sequence of converting to enhanced 911 systems;

(iii) a designation within each enhanced 911 system of the municipalities and the public safety agencies within such municipalities to serve as the primary public safety answering points. In all cases, the recommendation for the primary public safety answering point locations shall be for existing public safety agencies and, whenever possible, for the buildings at which they customarily operate. The board shall also evaluate the need for secondary public safety answering points in municipalities that have requested them. It shall be the responsibility of the board to make the final determination regarding the total number and location of primary public safety answering points; and

(iv) the board shall, no later than September 30th of each year, review the existing configuration of primary, secondary and ringing public safety answering points, and develop changes or recommendations for change by December 31st of each year; provided, however, that any recommendation respecting the provision of enhanced 911 service that would result in aggregate expenditures of five hundred thousand dollars or more in a calendar year by a telephone company shall require the approval of the department of telecommunications and energy.

(e) The attorney general may, at the request of the board or on his own initiative, institute civil proceedings against any municipality or petition the department of telecommunications and energy to institute proceedings to require a telephone company to provide services under this chapter.

(f) After consultation with the department of telecommunications and energy, the secretary of public safety is hereby authorized to make an assessment proportionally against each telephone company based upon the intrastate operating revenues of each said company derived from sales within the commonwealth as shown in the annual report of said companies to the department of telecommunications and energy. Said assessment shall be made at a rate to be determined and certified annually by the secretary of public safety and homeland security sufficient to produce not more than three hundred thousand dollars in revenue for the fiscal year for which the assessment is made; provided, however, that if the board fails to expend in any fiscal year the total amount assessed for the purposes set forth herein, any unexpended amount in such fiscal year shall be credited against the assessment to be made in the following year and the assessment in the following year shall be reduced by such unexpended amount; provided, further, that in addition to said assessment amounts, the assessment shall include amounts, to be credited to the General Fund, equal to the amount of funds estimated by the secretary for administration and finance to be expended from the General Fund for direct and indirect fringe benefit costs attributable to personnel costs of the board. The funds produced by such assessment shall be deposited in the General Fund and expended, subject to appropriation, to provide for the operating expenses of the board.

(g) The statewide emergency telecommunications board shall require that each public safety answering point that possesses enhanced 911 service shall retain such tapes for a period of not less than six months; provided however, that said board shall require that if a public safety answering point utilizes a digital recording system, tapes shall be retained for a period of not less than one year; provided further, that the telephone companies shall be responsible for the costs associated with the purchase of additional recording media needed to fulfill the requirements of this section.

(h)(1) There shall be imposed on each paying telecommunication service subscriber, whose telecommunication service is capable of directly accessing and utilizing a 911 emergency telephone system, a surcharge in the amount of 30 cents per month per wireless mobile telephone number, based on the area code chosen by the subscriber. With the approval of the board, a wireless carrier may impose this surcharge based on the subscriber's billing address. Based on the actual expenditures incurred in implementing a wireless enhanced 911 system, the statewide emergency telecommunications board may increase this monthly fee to a maximum of 75 cents per month. Any increase shall be justified in its annual report to the general court. The surcharge shall be collected by the wireless carrier or reseller providing the wireless enhanced 911 service and shall be shown on the subscriber's bill as "Wireless Enhanced 911 Service Surcharge," or the appropriate abbreviation. The surcharge shall not be subject to sales or use tax. The subscriber shall be liable for the surcharge imposed under this section. The wireless carrier or reseller shall have no obligation or authority to enforce the collection of the surcharge.

(2) Each wireless carrier or reseller shall remit the surcharge revenues collected from its subscribers to the state treasurer for deposit in the Wireless Enhanced 911 Fund. The surcharge revenues shall be expended solely for the activities of the board, the creation and maintenance of public safety answering points and the recovery of costs by wireless carriers incurred in providing wireless enhanced 911 service in compliance with provisions required by the Federal Communications Commission. All costs incurred by telephone companies in assisting with the delivery of enhanced 911 service shall only be recovered pursuant to the directory assistance charging plan authorized by section 19A of chapter 159.

(3)(i) The board shall disburse funds from the Wireless Enhanced 911 Fund for the acquisition, upgrade, or modification of public safety answering point equipment to be capable of receiving wireless enhanced 911 service information, including necessary computer hardware, software, and database provisioning; personnel costs of approved public safety answering points and emergency communications centers which process wireless calls based on reports required in subsection (4); network development, operation, and maintenance; database development, operation and maintenance; on-site equipment maintenance; the acquisition, provisioning, operation, and maintenance of any additional hardware, software, database or data connectivity needed to implement the FCC order throughout the commonwealth; training emergency service personnel regarding the receipt and use of wireless enhanced 911 service information; educating consumers regarding the operation, limitation, role, and responsible use of wireless enhanced 911 service; and any expenses incurred by the statewide emergency telecommunications board in administering and operating the wireless enhanced 911 project.

(ii) The board shall also disburse funds, subject to the availability of the funds after the disbursement authorized in paragraph (1), to wireless carriers that provide wireless enhanced 911 service at the request of the board. The reimbursements shall be limited to all of the wireless carrier's non-recurring and recurring costs associated with designing, upgrading, leasing, purchasing, programming, installing, testing, administering, or maintaining all necessary data, hardware, and software required to provide wireless enhanced 911 service. The board may enter into agreements for the payment of all non-recurring and recurring wireless enhanced 911 service costs to the wireless carrier.

(4) Each wireless carrier and each reseller shall report to the board on a quarterly basis the total surcharge revenues collected from its subscribers during the preceding quarter; the total amount billed to the board by the wireless carrier of its rates and recurring costs associated with any service, operation, administration, or maintenance of wireless enhanced 911 service during the previous quarter; and the total amount billed to the board by the wireless carrier of administration costs to cover the expenses of billing, collecting, and remitting the surcharge. Notwithstanding any general or special law to the contrary, such quarterly report shall not be a public record.

(5) The board shall examine call volumes and system performance of wireless public safety answering points and communications centers on an annual basis and make recommendations for the board to consider. The board shall approve funding additional personnel requirements only if necessary.

(i) The department of telecommunications and energy shall promulgate rules providing for the recovery by telecommunications companies of expenses that have been, are, or will be incurred, until December 31, 2007, incurred that are associated with the services pursuant to sections 10H(a) to 10H(f), inclusive, of this chapter and sections 14A and 15E of chapter 166. With respect to any deficit incurred by the telephone companies before the effective date of this section, the department of telecommunications and energy shall determine the portion of directory assistance revenues that will be used to offset that deficit, including any interest the department may determine should be applied. The rules shall provide for the funding of the prudently incurred expenses by means of a charge on each voice grade exchange telephone line of business and residence customers within the commonwealth; but the surcharge applicable to centrex service shall be based on an equivalency provided to each private branch exchange trunk. In the development of the charge, all telephone companies shall submit to the department historical data verifying their participation in the statutory funding mechanism. The department of telecommunications and energy shall annually report to the general court concerning the financial condition of the fund and shall address in the report the reasonableness of the capital expenditures and related expenses of the statewide emergency telecommunications board incurred in complying with chapter 166, sections 14A and 15E.

(j) Notwithstanding any general or special law to the contrary, a municipality may modify, change, or alter telephone company equipment used in the municipality's enhanced 911 system to permit the monitoring of emergency 911 communications by the fire department of the municipality at a secure location staffed at all times by fire department personnel fully trained in such monitoring. The emergency 911 communications shall be monitored in a manner that prevents any broadcast of them to the general public. The secure location used for monitoring emergency 911 communications shall be restricted to trained fire department personnel when such communications are being monitored. No such modification or change in a municipality's telephone company equipment or enhanced 911 system shall cause any degradation of the state's 911 system.

(k) The statewide emergency telecommunications board will meet its purpose and perform its functions in accordance with all the laws of the commonwealth and shall ensure that the establishment, implementation, and administration of enhanced 911 service and wireless 911 service is with the highest standards of professionalism and with attention to the issues of the public safety.

Section 10I. (a) The executive office of public safety and homeland security shall include the office of the chief medical examiner for the purpose of conducting medicolegal investigations in the commonwealth.

(b) The office of the chief medical examiner shall include a child fatality review team in accordance with section 2A of chapter 38. The purpose of the state team shall be to decrease the incidence of preventable child deaths and injuries by developing an understanding of the causes and incidence of child deaths and advising the governor, the general court, and the public by recommending changes in law, policy, and practice that will prevent child deaths.

(c) The office will be under the direction of the chief medical examiner who shall be appointed by the governor for a term of five years in accordance with section 2 of chapter 38. The chief medical examiner shall meet the qualifications set forth in section 2 of chapter 38. The chief medical examiner shall:

(1) be a physician residing within the commonwealth within six months after his appointment who is a diplomate of the American Board of Pathology in Forensic Pathology, a graduate of an approved fellowship program in forensic medicine, a diplomate of the American Board of Anatomic and Forensic Pathology, and licensed to practice medicine in the commonwealth;

(2) establish a comprehensive system to deliver medicolegal investigative services in the commonwealth.

(3) serve as: (a) secretary to the commission on medicolegal investigation; (b) chair of the state child fatality review team pursuant to section 2A of chapter 38; and (c) a member of each local child fatality review team unless his designee serves in such a capacity pursuant to section 2A of chapter 38.

(d) There shall be a deputy chief medical examiner who shall be appointed by the chief medical examiner in accordance with section 2 of chapter 38. The deputy chief medical examiner shall perform all of the duties of the chief medical examiner in case of incapacity or absence.

(e) There may be associate chief medical examiners who may be appointed by the chief medical examiner as necessary in accordance with section 2 of chapter 38.

(f) There shall be district medical examiners who shall be appointed by the chief medical examiner in accordance with section 2 of chapter 38. District medical examiners shall serve in areas or districts as determined by the chief medical examiner and for terms of office at his discretion. District medical examiners shall be licensed to practice medicine within the commonwealth and shall reside therein. In areas where such individuals are not available, the chief medical examiner or his representative may appoint other appropriately qualified individuals. District medical examiners shall be responsible, under the direction of the chief medical examiner, the deputy medical examiner, or an associate chief medical examiner, for the investigation and certification as to the cause of deaths under their jurisdiction.

(g) The office of the chief medical examiner shall deliver medicolegal services to the commonwealth and shall have all powers and duties provided under law which include:

(1) maintaining custody of all files, reports, photographs, and other articles generated by all employees or vendors of the office in accordance with section 2 of chapter 38;

(2) promulgating rules and establishing fees, with the approval of the executive office of public safety and homeland security, for the disclosure of autopsy reports pursuant to section 2 of chapter 38;

(3) applying for and accepting on behalf of the commonwealth, subject to the approval of the secretary of public safety and homeland security, any funds, including grants, bequests, gifts, or contributions, from any person for the improvement of the system of medicolegal investigative services in the commonwealth in accordance with section 2 of chapter 38. Such funds shall be deposited in a separate account with the state treasurer and received by him on behalf of the commonwealth. All such funds may be expended by the chief medical examiner in accordance with law;

(4) providing autopsy reports to entities authorized or mandated to receive them by law in accordance with section 2 of chapter 38 and section 36A of chapter 40;

(5) accepting notifications of the known facts concerning the time, place, manner, circumstances, and cause of all deaths in the Commonwealth which occur under the circumstances enumerated

in section 3 of chapter 38 and in accordance with sections 5 and 10 of chapter 19C and 72H of chapter 111;

(6) making positive identifications in cases where the deceased is unknown in accordance with section 22A of chapter 6;

(7) taking jurisdiction over deaths due to violence or other unnatural means or to natural causes that require further investigation in accordance with section 4 of chapter 38;

(8) transporting bodies over which the office has taken jurisdiction in accordance with section 4 of chapter 38;

(9) causing a body to be tested by the department of public health for the presence of any virus, disease, infection, or syndrome which might pose a public health risk in accordance with section 4 of chapter 38;

(10) coordinating investigations with the district attorney and the police department within whose jurisdictions the death occurred as required by section 4 of chapter 38;

(11) performing autopsies as ordered by the office or the district attorney pursuant to section 4 of chapter 38;

(12) providing the appropriate district attorney with case information relative to the office's investigation as required by sections 4 and 7 of chapter 38;

(13) reviewing and receiving copies of medical records, hospital records, or information which the chief medical examiner or his designee deem relevant for establishing the cause and manner of death pursuant to section 4 of chapter 38;

(14) submitting to the state police laboratory a sample of blood from the deceased in an amount sufficient for chemical analysis if it is obtainable at autopsy when the medical examiner is of the opinion that a death may have resulted from injuries sustained in motor vehicle accidents as described in section 4A of chapter 38;

(15) using the services of the department of state police laboratory for the performance of tests, documentation of evidence, investigating procedures, and consultation on special problems in accordance with section 5 of chapter 38;

(16) establishing and operating, subject to appropriation, a pathology laboratory within the office to meet the needs of the office in accordance with section 5 of chapter 38;

(17) employing the services of other appropriate laboratories if other services required by the office are not available in the department of state police pursuant to section 5 of chapter 38;

(18) informing the state archeologist if skeletal remains are deemed likely to be Native American in accordance with section 6 of chapter 38;

(19) certifying to the city or town clerk or registrar in the place where the deceased died, the name and address, if known, or otherwise a description in full as may be of the deceased, and the cause and manner of death in accordance with section 7 of chapter 38;

(20) requesting the attorney general or the district attorney to direct that an inquest be held in accordance with section 8 of chapter 38;

(21) authorizing the injection of embalming fluid, or any substitute therefore, into the body of any person whose death is being investigated by the office in accordance with section 12 of chapter 38;

(22) releasing bodies to persons with the proper legal authority to receive them in accordance with section 13 of chapter 38 and section 9 of chapter 46;

(23) allowing any body to be moved without pronouncement of death if excessive hardship to the family of the decedent would otherwise result in accordance with section 13 of chapter 38. The office may promulgate regulations further defining circumstances in which a body may be moved without pronouncement of death;

(24) waiving the requirements of section 13 of chapter 38 and assuming jurisdiction for the purpose of certifying the facts of the death as required by section 9 of chapter 46 in cases where excessive hardship would otherwise result due to travel or in other emergency situations as may be defined by regulations promulgated by the office;

(25) viewing the body and making personal inquiry concerning the cause and manner of death of any person whose body is intended for cremation or burial at sea and authorizing such cremation or burial at sea only when no further examination or judicial inquiry concerning such death is necessary in accordance with section 14 of chapter 38 and section 44, 47, and 48 of chapter 114;

(26) taking charge of any money or other personal property of the deceased found on or near the body, or requesting the police department to do so pursuant to section 15 of chapter 38. The medical examiner shall, unless such money or property is required as evidence, deliver any money or property over which he has taken charge to the person entitled to its custody or possession, or, if not claimed within sixty days, to a public administrator pursuant to section 15 of chapter 38;

(27) furnishing death certificates as required by section 9 of chapter 46 and section 45 of chapter 114;

(28) accepting notifications from registered professional nurses and registered physician assistants before such individuals make determinations and pronouncements of death as provided for in section 9 of chapter 46;

(29) certifying to the comptroller that a person is entitled to the benefits in section 71 of chapter 32 and section 83 of chapter 48;

(30) operating a vehicle with the authority of a permit issued by the registrar of motor vehicles with a flashing, rotating, or oscillating blue light as provided for in section 7E of chapter 90;

(31) referring potential donor to organ procurement organizations as provided for in section 8D of chapter 90;

(32) making reports of abuse pursuant to section 1 of chapter 19C, section 72G of chapter 111, and section 51A of chapter 119;

(33) investigating the cause of death and preparing and filing a report of such death with the commissioner of public health when a fetal death occurs without medical attendance at or immediately after delivery or when the fetal death may have occurred from violence or unnatural causes, if a fetus is of twenty weeks gestation or more, or a weight of three hundred and fifty grams or more as provided for in section 202 of chapter 111;

(34) directing that fetal remains be disposed of in a manner which does not create a hazard to the public health pursuant to section 202 of chapter 111;

(35) approving or denying the removal of an anatomical gift from a donor whose death is under investigation in accordance with section 5A of chapter 113. The chief medical examiner or his designee shall be present during the removal of the anatomical gift if in his judgment such attendance would, in his opinion or that of

his designee, facilitate a donation that would otherwise be denied. The chief medical examiner or his designee may request a biopsy;

(36) upon the request of the New England Eye Bank, providing the cornea of a decedent to the said New England Eye Bank under the conditions specified in section 14 of chapter 113;

(37) accepting notifications of common carrier accidents, resulting in losses of life pursuant to section 28 of chapter 159;

(38) reporting, in writing, within seven days, after he has notice thereof, the time, place, and circumstances of every accident caused by gas or electricity to the department of public utilities in accordance with section 95 of chapter 164; and

(39) exercising other powers and duties as shall be assigned to him by law.

(h) The office of the chief medical examiner shall meet its purpose and perform its function in accordance with all laws of the Commonwealth and shall:

(1) conduct medicolegal investigations with due diligence and in conformity with standard medical practices;

(2) ensure that all bodies within its jurisdiction are suitably transported, correctly identified using standard scientific techniques, and then properly released in a timely fashion;

(3) coordinate with law enforcement agencies, public health agencies, and other entities as required by law to ensure that information is shared effectively; and

(4) create, maintain, and properly disseminate records in accordance with all applicable statutes and regulations on all reported deaths so as to ensure that all cases are thoroughly documented and that information is effectively distributed to those legally entitled to receive it.

(i) The chief medical examiner may establish within the office such other departments, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the office. When necessary for the efficient and economical administration of the work of the office, the chief medical examiner may also abolish or merge any such department, bureau, section, or other unit that is not otherwise established by statute.

Section 10J. (a) There shall be within the executive office of public safety and homeland security a department of correction, under the supervision and control of a commissioner of correction as set forth in section 1 of chapter 27, which shall maintain the correctional institutions of the commonwealth for the security and confinement of prisoners of the commonwealth as set forth in section 11 of chapter 125. The definitions of terms and words used in this chapter are set forth in section 1 of chapter 125.

(b) The department shall include the following divisions and offices under the authority of the commissioner: office of the commissioner; office of the deputy commissioner; office of the assistant deputy commissioner, Bridgewater correctional complex; office of the assistant deputy commissioner, community corrections division; office of the assistant deputy commissioner, secure facilities; office of the chief of staff; administrative division; administrative services; American Correctional Association accreditation office; affirmative action; audit and compliance; budget office; central records unit; classification division; diversity office; employee relations; fiscal division; food services; health services division; industries; inmate grievances; inmate training and education; inmate transportation/vehicle maintenance; investigations and fugitive apprehension; offender management and placement; personnel; policy development and compliance; program services; public affairs; reengineering office; reentry unit; research and planning; resource management division; security technology; sex offender unit; special operations unit; staff development division; stress unit; substance abuse services; support services; victim services; and the state correctional facilities.

(c) The department shall have the following duties and responsibilities:

(1) Holding of prisoners. All persons sentenced to or confined in a state correctional facility shall be held in accordance with the sentences or orders of the courts and the rules and regulations of the commissioner pursuant to section 12 of chapter 125.

(2) Identification of prisoners. The correctional facility to which a person is committed under a sentence of imprisonment for any crime shall, unless the court otherwise orders, shall be identified in accordance with section 23 of chapter 127.

(3) Descriptions, fingerprints, and criminal history; records. The superintendents of the correctional facilities and the keepers

of jails and houses of correction shall keep a record of the descriptions and fingerprints in accordance with section 28 of chapter 127.

(d) Minors in a correctional facility shall be kept separate from notorious offenders and from persons convicted of an infamous crime as set forth in section 22 of chapter 127.

(e) The confinement and treatment of female prisoners shall be as set forth in section 16 of chapter 125, and for pregnant females as set forth in section 118 of chapter 127.

(f) The commissioner, with the approval of the commissioner of mental health, shall appoint a physician as medical director of the Bridgewater State Hospital. The medical director shall have the care of the inmates thereof and govern them according to the rules and regulations approved by the commissioner as set forth in section 18 of chapter 125.

(g) The commissioner of correction shall maintain, subject to the jurisdiction of the department of correction, a treatment program or branch thereof at the Massachusetts Treatment Center for the care, custody, treatment and rehabilitation of persons adjudicated as being sexually dangerous. The commissioner of correction shall appoint a chief administrative officer who shall have responsibility for providing personnel for the treatment, and rehabilitation of the sexually dangerous persons, consistent with public safety. The commissioner of correction shall have the authority to promulgate regulations consistent with the provisions of this chapter and relevant statutes as set forth in section 2 of chapter 123A.

(h) The commissioner may establish within the department such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the department. When necessary for the efficient and economical administration of the work of the department, the commissioner may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 10K. (a) The executive office for public safety and homeland security shall include a parole board for the purpose of determining which prisoners in the correctional institutions of the commonwealth and county houses of correction may be released on parole; supervising prisoners released on parole from sentence and supervising prisoners released from sentence to community supervision for life; setting terms and conditions of parole supervision; determining when revocation, discharge, or termination of parole supervision should occur; and serving as the advisory board of pardons.

(b) The parole board shall be in the department of correction, but not subject to its jurisdiction, and it shall consist of seven members. Board members shall be appointed as provided in section 4 of chapter 27. The governor shall designate one member as chairman. The chairman shall serve as executive and administrative head of the board. He shall be vested with the powers and charged with the duties provided in section 4 of chapter 27. The chairman may, as provided in section 7 of chapter 27, apply for special members to be designated to the parole board. The chairman shall have the responsibility of directing assignments to board members and appointing and removing parole employees and consultants.

(c) The chairman may establish within the board such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the board. When necessary for the efficient and economical administration of the work of the board, the chairman may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(d) The parole board shall, in accordance with the rules and regulations of the board, supervise, counsel, and advise prisoners released on parole from the correctional institutions of the commonwealth, or from any institution to which they were removed therefrom, and shall assist them in securing employment. The parole board shall also render assistance and counsel to discharged prisoners who are in need of such help, and perform such other duties relative to discharged or released prisoners as the parole board requires. It shall obtain information for the use of the parole board relative to prisoners sentenced to correctional institutions of the commonwealth, especially as to the details of their offences and their previous character and history. It may for that purpose require of the police authorities any facts in their possession relative to such prisoners if the communication thereof will not, in the opinion of said authorities, be detrimental to the public interest.

(e) The parole board shall retain, consistent with section 5 of chapter 27, an executive secretary and hearing officers, clerks, attorneys and other employees and consultants in order to assist the board in carrying out its functions and duties as provided in section 51A of chapter 119 and section 158 of chapter 127.

(f) As provided in section 5 of chapter 27, the parole board shall serve as the agency of the commonwealth responsible for carrying out the following duties:

(1) determining which prisoners are eligible for parole in conformity with sections 128, 133 and 133A of chapter 127;

(2) determining which prisoners are suitable for parole release as provided in section 130 of chapter 127;

(3) determining and furnishing the terms and conditions of parole release as provided in sections 130 and 131 of chapter 127;

(4) determining the appropriate time to revise, alter, or amend terms and conditions of parole as provided in sections 130, 133A, 133B, and 133D of chapter 127;

(5) supervising commonwealth parolees or parolees whose supervision the parole board has accepted under the interstate compact as provided in section 151A of chapter 127;

(6) supervising parolees sentenced to community supervision for life as provided in section 133D of chapter 127 and section 45 of chapter 265;

(7) arresting or securing the arrest of alleged parole violators as provided in sections 131, 133D, 149, 149A, and 151J of chapter 127 and section 20L of chapter 276;

(8) investigate allegations of parole violations as provided in sections 149A and 151A of chapter 127;

(9) revoking a parole permit as authorized in sections 133A, 133B, 133D, and 148 of chapter 127;

(10) discharging parolees from sentence as provided in sections 130 and 133 of chapter 127 or terminating the sentences of parolees as provided in sections 130A and 133D of chapter 127;

(11) serving as the advisory board of pardons with powers and duties provided in section 154 of chapter 127; and

(12) supervising prisoners pardoned on parole conditions and reporting to the governor a violation of any parole conditions applicable to a pardon as provided in section 155 of chapter 127.

(g) The parole board shall perform the following functions:

(1) conduct release hearings as provided in sections 133A, 133B, 134, and 136 of chapter 127;

(2) notify victims of parole release hearings and afford them access as provided in sections 133A, 133C, and 133E of chapter 127;

(3) notify the attorney general, district attorneys, and chiefs of police of parole release hearings and afford them access as provided in section 133A of chapter 127;

(4) review information furnished to the board as provided in sections 133A, 135, and 136 of chapter 127;

(5) issue parole release decisions in conformity with the standard set forth in section 130A of chapter 127 and in the manner provided in section 133A and 134 of chapter 127;

(6) set terms and conditions and issue permits of release as provided in sections 128, 133A, 133B, 133D, and 134 of chapter 127;

(7) provide district attorneys with notice of decisions in favor of parole release as provided in section 12 of chapter 123A;

(8) provide victims with notice of decisions in favor of parole release as provided in section 3 of chapter 258B;

(9) provide the sex offender registry board with notice of a prisoner's parole release as provided in section 178E of chapter 6;

(10) provide law enforcement officials with notice of terms and conditions parolees will be subject to, as provided in section 131A of chapter 127;

(11) utilize community correction programs for the purpose of parole supervision as provided in section 4 of chapter 211F;

(12) provide parolees with assistance and counsel after release to the community as provided in section 158 of chapter 127;

(13) secure and execute search warrants as provided in section 127 of chapter 127;

(14) issue and serve warrants for custody, as provided in sections 149, 149A, and 151J of chapter 127, to secure the arrest of parolees who have lapsed or are about to lapse in criminal ways or who have otherwise violated the terms and conditions of parole;

(15) arrest or assist in the arrest of parolees as provided in section 127 of chapter 127;

(16) conduct revocation hearings as provided in section 5 of chapter 27 and sections 133D, 149, and 151C of chapter 127;

(17) issue parole revocation decisions as provided in section 5 of chapter 27;

(18) provide victims with notice of revocation decisions as provided in section 3 of chapter 258B;

(19) compute the period of confinement that a parolee may be credited with following the disposition of a revocation proceeding as provided in section 149 of chapter 127;

(20) process clemency petitions as provided in section 154 of chapter 127; and

(21) arrest or assist in the arrest of any person who is alleged to have violated a pardon condition as provided in section 155 of chapter 127.

Section 10L. (a) The executive office for public safety and homeland security shall include a registry of motor vehicles, in accordance with section 9 of chapter 16, for the purpose of administering the laws relative to the operation and ownership of motor vehicles in the commonwealth.

(b) The registry will be under the direction of a registrar of motor vehicles appointed by the governor, in consultation with the secretary of the executive office for public safety and homeland security.

(c) The registrar shall be the executive and administrative head of the registry of motor vehicles. The registrar's appointment shall be co-terminus with that of the governor in accordance with section 9 of chapter 16. The registrar shall serve at the pleasure of the governor. The position of registrar shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The registrar shall, in addition to the authority conferred upon him by any other provision of law, have the power to make rules and regulations for the registry of motor vehicles in accordance with section 9 of chapter 16. The registrar shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the registry of motor vehicles and to any department of division within that agency.

(d) The registrar shall have the authority to appoint and remove a deputy registrar, chief deputy registrar, and assistant to the registrar, and may delegate to individuals holding those positions the performance of any duty imposed upon the registrar relative to the administration of laws relating to motor vehicles, in accordance with section 29 of chapter 90. In addition to the deputy registrar, chief deputy registrar, and assistant to the registrar, the registrar may appoint other officers and employees as may be necessary to carry out the work of the registry of motor vehicles in accordance with section 9 of chapter 16. In the event of a vacancy in the office of the registrar, the powers and the duties of the registrar shall be exercised and performed by the deputy registrar until a registrar is duly qualified and appointed by the governor in accordance with section 9 of chapter 16.

(e) The registrar shall serve as the chairman of the motor vehicle insurance merit rating board and shall oversee the formulation and the administration of a plan for compiling information on motor vehicle accidents in accordance with section 183 of chapter 6, as well as claims under motor vehicle policies and motor vehicle violations that are needed to implement and operate the safe driver insurance plan as provided by section 113B of chapter 175. The registrar shall be responsible for administering the motorcycle safety program under section 35G of chapter 10. The registrar shall serve as a member of the board of appeal on motor vehicle liability policies and bonds in accordance with section 9 of chapter 16. The registrar shall serve as a member of the fraudulent claims board within the division of insurance as provided by section 8B of chapter 26.

(f) The registrar may establish within the registry of motor vehicles such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the registry. When necessary for the efficient and economical administration of the work of the registry, the registrar may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

(g) The registry of motor vehicles shall serve as the principal agency of the executive department of the government of the commonwealth for the following purposes:

(1) Administering the laws relative to the requirements for the registration of motor vehicles in the commonwealth.

(2) Establishing the equipment requirements for motor vehicles in the commonwealth and the rules and regulations for the periodic inspections of motor vehicles.

(3) Issuing all classes of driver's licenses, including school bus operator licenses according to section 8A of chapter 90, school pupil transport licenses according to section 8A½ of chapter 90 and commercial driver's licenses according to chapter 90F.

(4) Implementing all statutorily required administrative license and registration suspension and revocation sanctions.

(5) Issuing citation books to law enforcement agencies and collecting and maintaining records of all automobile law violations according to the provisions of chapter 90C.

(6) Issuing certificates of title for vehicles in the commonwealth, including the titling and inspection of salvage motor vehicles, according to the provisions of chapter 90F.

(7) Promulgating rules and regulations as necessary to carry out the responsibilities under this section or other applicable laws.

(8) Except as otherwise provided for in this section, the registry of motor vehicles shall continue to have the powers and duties established for that agency under chapters 90, 90B, 90D, and 90F.

(h) The registry of motor vehicles shall include a motor vehicle insurance merit rating board, which shall consist of the registrar of motor vehicles, who shall serve as the chairman, the commissioner of insurance and the attorney general or a designee, with all the powers and duties set forth in section 183 of chapter 6.

Section 10M. (a) The executive office for public safety and homeland security shall include a sex offender registry board for the purpose of identifying, registering, classifying and recording the whereabouts of convicted sex offenders who presently reside or work in the commonwealth to assist law enforcement and protect the public by providing public access to sex offender identifying data in accordance with the law.

(b) The executive and administrative head of the sex offender registry board and its appointing authority shall be the chairman, who shall be appointed by and serve at the pleasure of the governor in accordance with section 178K(1) of chapter 6.

(c) The board shall be constituted with members who possess the knowledge and experience as is set forth in section 178K of chapter 6.

(d) The sex offender registry board shall carry out its duties by performing the following functions:

(1) Identify individuals convicted of certain enumerated sex offenses who presently reside and/or work in the Commonwealth for purposes of their registration as sex offenders on a periodic basis pursuant to section 178C of chapter 6.

(2) Transmit registration data to the criminal history systems board, local police departments and the Federal Bureau of Investigation pursuant to sections 178D and 178E of chapter 6.

(3) Compile criminal history and other useful information for review under the Board's regulations and guidelines to determine an offender's present degree of risk of reoffense and dangerousness pursuant to section 178K(1)(a) of chapter 6.

(4) Establish a recommended classification level consistent with the assessment of risk of reoffense and dangerousness in furtherance of determining the extent and manner of community informational access pursuant to sections 178K(2) and 178L(1) of chapter 6.

(5) Conduct adjudicatory hearings for offenders who contest their duty to register or recommended classification pursuant to section 178L of chapter 6.

(6) Defend board classification determinations incident to appeals filed in the superior court pursuant to chapter 30A, pursuant to section 178M of chapter 6.

(7) Create and maintain a database of registered sex offenders to assist the public and law enforcement pursuant to sections 178D and 178E(n) of chapter 6.

(8) Establish victim services and outreach programs to enhance victim participation in the registration and classification process pursuant to section 178K(1)(a)(k) of chapter 6.

(9) Identify and assist in the prosecution of individuals who fail to register as sex offenders in violation of law pursuant to sections 178F½ and 178H of chapter 6.

(10) Provide information upon request by authorized individuals as relates to the status of persons as registered sex offenders pursuant to section 178I of chapter 6.

(11) Present reports to the superior court in furtherance of the imposition of heightened registration requirements for persons recommended by the board to be sexually violent predators pursuant to section 178K(c)(vi) of chapter 6.

(12) Relieve eligible offenders from the obligation to register as sex offenders pursuant to section 178K(d) of chapter 6.

(13) Terminate the obligation of certain sex offenders to register when appropriate in accordance with law pursuant to section 178G of chapter 6.

(e) The chairman may establish within the board such other offices, bureaus, sections, and other administrative units that are not otherwise established by statute as may be necessary for the efficient and economical administration of the work of the board. When necessary for the efficient and economical administration of the work of the board, the chairman may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

Section 10N. (a) The executive office of public safety and homeland security shall include a division of inspection and regulation as the principal statewide building, structural and mechanical regulatory and inspectional agency in the commonwealth.

(b) The division shall have the powers and duties set forth in chapter 22 and shall continue to have such other powers and duties as provided under law for the division, including: promulgating rules and regulations relative to bungee jumping and the operation of horse and carriages; the inspection of hospitals, institutions for unwed mothers, and convalescent and nursing homes; the licensing and inspection of amusement devices; the registration and administration of the home improvement contractor program; the inspection of buildings, inspector of buildings, local inspector duties, egress, dangerousness and enforcement of the state building code; elevator inspection system, regulations, fees, licenses, appeals and examinations; cinematograph (movie projection), standards, inspections, fees and operators licenses; the inspection of boilers, inspectors of insurers, fees, tags and the enforcement of codes with respect thereto; the inspection of compressed air tanks, ammonia compressors, refrigeration and air conditioning systems; the inspection of hot water heating boilers, insurance inspectors reports and certificates; licenses of engineers, fireman, and operators of hoisting machinery and pipefitting; the examinations, fees, suspensions, revocations of inspector of boilers, engineers, fireman, operators of hoisting machinery, oil burner technicians and pipefitting; licenses for exhibitions, officials, fees, percentages, suspension, revocation and enforcement of boxing; the sale and regulation of power lawn mowers; the licensure and fees for installers of security systems; and fulfilling any other obligations as set forth in statute, regulation or special law.

(c) The division shall be under the supervision and control of a commissioner of inspection and regulation.

(d) (1) The division of inspection and regulation shall include the following subdivisions, bureaus, boards and other offices:

(i) the recreational tramway board;

(ii) the bureau of pipefitters, refrigeration technicians and sprinklerfitters;

(iii) the state boxing commission;

(iv) the architectural access board;

(v) the board of boiler rules;

(vi) the board of elevator regulations;

(vii) the board of elevator appeals;

(viii) the board of elevator examiners;

(ix) the Massachusetts amusement advisory board;

(x) the board of building regulations and standards; and

(xi) the building code appeals board.

(e) The commissioner may establish within the division such other offices, bureaus, sections and other administrative units not otherwise established by law as may be necessary for the efficient and economical administration of the work of the division. When necessary for the efficient and economical administration of the work of the division, the commissioner may also abolish or merge any such bureau, section, or other unit that is not otherwise established by statute.

SECTION 2. Section 62 of chapter 3 of the General Laws as appearing in the 2000 Official Edition is hereby amended by striking out the word "director", in lines 4, 5, 15, 18 and 25, and inserting in place thereof in each instance the word:— secretary.

SECTION 3. Section 7 of chapter 4 of the General Laws, as so appearing, is hereby amended by striking out, in line 343, the words "commissioner of environmental management", and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 4. Section 17 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words "by the board of trustees of the Soldiers' Home in Holyoke" and inserting in their place the following words:— by the secretary of health and human services with the approval of the governor.

SECTION 5. Section 17A of chapter 6 of the General Laws is hereby repealed.

SECTION 7. Section 48 of chapter 6 of the General Laws is hereby repealed.

SECTION 8. Sections 57 through 59, inclusive, of chapter 6 of the General Laws are hereby repealed.

SECTION 9. Section 70 of chapter 6, of the General Laws as appearing in the 2000 Official Edition, is hereby amended by inserting after the first paragraph, the following paragraph:—

The secretary of health and human services shall appoint, with the approval of the governor, the superintendent of the Soldiers' Home, who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor.

SECTION 10. Chapter 6 is hereby amended by striking out section 71, as so appearing, and inserting in place thereof the following section:—

Section 71. Said board of trustees shall have the management and control of said home and all property, real and personal, of the commonwealth and occupied or used by said home. In the management and control of said home, said board of trustees shall have the same powers and perform the same duties as are vested and imposed in the trustees of state hospitals under the provisions of chapter nineteen, so far as applicable.

SECTION 11. Section 74 of chapter 6, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence, and inserting in place thereof the following sentence:— The commission for the rehabilitation of individuals with disabilities, established pursuant to section 9K of chapter 6C, shall be referred to in sections 76 through 84 of chapter 6 as the commission.

SECTION 12. Section 74 and sections 76 through 84, inclusive, of chapter 6, as so appearing, are hereby amended by striking out the words "handicapped person" and inserting in place thereof the words:— individual with a disability.

SECTION 13. Section 74 and sections 76 through 84, inclusive, of chapter 6, as so appearing, are hereby further amended by striking out the words "handicapped persons" and inserting in place thereof the words:— individuals with disabilities.

SECTION 14. Section 74 and sections 76 through 84, inclusive, of chapter 6, as so appearing, are hereby further amended by striking out the words "handicapped individual" and inserting in place thereof the words:— individual with a disability.

SECTION 15. Section 74 and sections 76 through 84, inclusive, of chapter 6, as so appearing, are hereby further amended by striking out the words "handicapped individuals" and inserting in place thereof the words:— individuals with disabilities.

SECTION 16. Section 75 of chapter 6 of the General Laws is hereby repealed.

SECTION 17. Section 76 of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by striking out, in line 6, the word "handicaps" and inserting in place thereof the word:— disabilities.

SECTION 18. Section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 4, the word "handicapped".

SECTION 19. Said section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 42, the words "the handicapped" and inserting in place thereof the words:— individuals with disabilities.

SECTION 20. Said section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 48, the word "handicap" and inserting in place thereof the word:— impediment.

SECTION 21. Section 80 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 through 5, the phrase "and shall develop a state plan including such methods of administration as are found by said agencies and the commission to be necessary for the proper and efficient operation of the commission".

SECTION 22. Said section 80 of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 11 through 13, the phrase "and to appoint such agents or assistants as may be necessary to administer the provisions of such agreements".

SECTION 23. Section 83 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 8, the word "commission" and inserting in place thereof the word:— secretary.

SECTION 24. Section 91 of said chapter 6, as so appearing, is hereby amended by striking out, in line 29, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 25. Section 97 of said chapter 6 of the General Laws is hereby repealed.

SECTION 26. Section 98 of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1, the words "It shall be the duty of the board" and inserting in place thereof the following:— The secretary for administration and finance shall undertake.

SECTION 27. Section 105 of said chapter 6, as so appearing, is hereby amended by striking out the word "director" in line 3 and by inserting in place thereof the word:— secretary.

SECTION 28. Section 116A of said chapter 6, as so appearing, is hereby amended by striking out, in line 15, the words "metropolitan district commission".

SECTION 29. Said chapter 6 is hereby amended by striking out section 129, as so appearing, and inserting in place thereof the following section:—

Section 129. The commission for the blind, as established pursuant to section 9L of chapter 6C, is referred to in sections 130 through 149, inclusive, as the commission.

SECTION 30. Said chapter 6 is hereby amended by striking out section 130, as so appearing, and inserting in place thereof the following section:—

Section 130. No person employed or appointed by the commissioner shall be a member of the commission's advisory board.

The commissioner may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, by aiding individual blind persons, or by other means as may be deemed expedient. The commissioner may, if no other means are available, pay for the expense of the funeral and burial of blind persons aided by the commission, a sum not exceeding eleven hundred dollars, provided that the total expense of the funeral and burial does not exceed fifteen hundred dollars; and provided, further, that any payment made by the commission shall be reduced by whatever resources may exist in the estate of such deceased blind person. Payment under this section may be made directly to the person furnishing such service.

SECTION 31. Section 131 of chapter 6 of the General Laws is hereby repealed.

SECTION 32. Section 131A of chapter 6 of the General Laws is hereby repealed.

SECTION 33. Section 131B of chapter 6 of the General Laws is hereby repealed.

SECTION 34. Section 131C of chapter 6 of the General Laws is hereby repealed.

SECTION 35. Section 131D of chapter 6 of the General Laws is hereby repealed.

SECTION 36. Section 131E of chapter 6, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 9, the words "section one hundred and thirty-one" and inserting in place thereof the following words:— chapter one hundred and eighteen A.

SECTION 37. Said chapter 6 is hereby further amended by inserting in the caption preceding section 133, as so appearing, after the words "secs. 133A—133F" the following words:— and sec. 9L of chapter 6C.

SECTION 38. Said section 133 of said chapter 6, as so appearing, is hereby further amended by inserting after the words "and thirty-three F", in line 2, the following words:— and sec. 9L of chapter 6C.

SECTION 39. Section 137 of said chapter 6, as so appearing, is hereby amended by striking out the words "sec. 131" in the caption and inserting in place thereof the following words:— chapter 118A.

SECTION 40. Section 146 of chapter 6 of the General Laws is hereby repealed.

SECTION 41. Section 147 of chapter 6, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "Services", in line 4, the following phrase:— as well as the commonwealth's Secretary of the Executive Office for Health and Human Services,.

SECTION 42. Said section 147 of said chapter 6, as so appearing, is hereby further amended by inserting after the word "develop" in line 4, the following phrase:— , subject to the approval of the Secretary of the Executive Office for Health and Human Services,.

SECTION 43. Section 156 of said chapter 6, as so appearing, is hereby amended by striking out the words "metropolitan district commission", in line 7, and inserting in place thereof the following:— division of conservation and recreation.

SECTION 44. Section 182A of said chapter 6, as so appearing, is hereby amended by striking out the words "commissioner of environmental management", in lines 3 through 4, and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 45. Section 182B of said chapter 6, as so appearing, is hereby amended by striking out the words "department of environmental management", in each instance in lines 20 and 40, and inserting in place thereof the following:— division of conservation and recreation.

SECTION 46. Section 182C of chapter said 6, as so appearing, is hereby amended by striking out the words "department of environmental management" in the section title and inserting in place thereof the following:— division of conservation and recreation.

SECTION 47. Said section 182C of said chapter 6, as so appearing, is hereby further amended by striking out, in line 2 and in line 7, the words "department of environmental management" and inserting in place thereof, in each instance, the following:— division of conservation and recreation.

SECTION 48. Section 185 of chapter 6 of the General Laws is hereby repealed.

SECTION 49. Section 189 of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 8, the word "director" and inserting in place thereof the word:— secretary.

SECTION 50. Section 192 of said chapter 6, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following sentence:— The commission for the deaf and hard of hearing, established pursuant to section 9M of chapter 6C, is referred to in sections 192 through 199, inclusive, of chapter 6 as the commission.

SECTION 51. Said section 192 of said chapter 6, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Any federal or local grants received by the commission to aid in the financing of any programs or policies shall be received by the state treasurer on behalf of the commonwealth and shall be deposited in a special account and may be expended, subject to appropriation. Any private grants, bequests, gifts, or contributions received by the commission to aid in the financing of any programs or policies of the commission shall be received by the state treasurer on behalf of the commonwealth and shall be deposited in a special trust fund account for the commission and may be expended, without further appropriation, under the direction of the commissioner. Such special trust account shall be subject to annual audit by the state auditor.

SECTION 52. Said section 192 of said chapter 6, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 53. Section 193 of chapter 6 of the General Laws is hereby repealed.

SECTION 54. Section 194 of chapter 6 of the General Laws is hereby repealed.

SECTION 55. Section 197 of chapter 6 of the General Laws is hereby repealed.

SECTION 56. Section 202 of chapter 6 of the General Laws is hereby repealed.

SECTION 57. Section 203 of chapter 6 of the General Laws is hereby repealed.

SECTION 58. Section 205 of chapter 6 of the General Laws is hereby repealed.

SECTION 59. Section 206 of chapter 6 of the General Laws is hereby repealed.

SECTION 60. Section 207 of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the beginning of line 1 the following sentence:— The office for refugees and immigrants, established pursuant to section 9I of chapter 6C, is referred to in this section as the office.

SECTION 61. Section 208 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 11 and 12, the word "director" and inserting in place thereof the word:— secretary.

SECTION 62. Chapter 6, as so appearing, is hereby amended by adding the following section:—

Section 214. Notwithstanding the provisions of any general or special law to the contrary, to the maximum extent allowed by federal law, the commonwealth, including any department, board, commission, division, authority, or subdivision thereof, may, subject to appropriation, provide state or local public benefits within the meaning of section 411(c) of the federal Personal Responsibility and Work Opportunity Act to any person, whether or not such person is a citizen or is a qualified alien within the meaning of section 431 of said Personal Responsibility and Work Opportunity Act, 8 U.S.C. section 1641, but only to the extent that such person otherwise satisfies the applicable criteria for such benefits.

SECTION 63. Chapter 6A of the General Laws is hereby repealed.

SECTION 64. Subparagraph (i) of section 10H of chapter 6C of the General Laws, as added by section 1 of this act, is hereby repealed.

SECTION 65. Section 64 of this act shall be effective on June 30, 2007.

SECTION 66. Chapter 7 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase “commissioner of administration” or the word “commissioner” when used in reference to the commissioner of administration, in each instance in which they appear, and inserting in place thereof, the following:— secretary of administration and finance.

SECTION 67. Chapter 7 of the General Laws, as so appearing, is hereby amended by striking the phrase “division of capital asset management” or “division of capital asset management and maintenance” or the word “division” standing alone but used in reference to either of the foregoing phrases, in each instance in which they appear, and inserting in place thereof, the following:— department of capital assets.

SECTION 68. Chapter 7 of the General Laws, as so appearing, is hereby amended by striking the phrase "operational services division" in each instance in which it appears, and inserting in place thereof, the following:— department of procurement.

SECTION 69. Chapter 7 of the General Laws, as so appearing, is hereby amended by striking the phrase "state purchasing agent" in each instance in which it appears, and inserting in place thereof, the following:— chief procurement officer.

SECTION 70. Chapter 7 of the General Laws, as so appearing, is hereby amended by striking the phrase "information technology division" in each instance in which it appears, and inserting in place thereof, the following:— department of information technology.

SECTION 71. Section 1 of chapter 7 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 3 through 6, the definition of "Commissioner" and inserting in place thereof the following definition:—

"Commissioner", in sections 38A½ to 43H inclusive, the word commissioner shall mean commissioner of the department of capital assets.

SECTION 72. Sections 2, 3, 4, 4A, 4D, 4G, 4H, 4I, 4J, 4M, 4N, 4O, 5, 6B, 6E, 6F, 31A, 39B, 40M, 41A, 41B, 42A, 42B, 43A, 43B, and 43E of said chapter 7, as so appearing, are hereby repealed.

SECTION 73. Section 38B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "executive office for administration and finance" and inserting in place thereof, the following words:— department of capital assets but not subject to its supervision or control,.

SECTION 74. Section 38C of said chapter 7, as so appearing, is hereby amended by striking out, in line 48, the words "division of capital planning and operations" and inserting in place thereof the following words:— department of capital assets.

SECTION 75. Section 38E of said chapter 7, as so appearing, is hereby amended by striking out, in line 46, the word "deputy".

SECTION 76. Section 39A of said chapter 7, as so appearing, is hereby amended by inserting after clause (e), the following clause:—

(e½) "capital assets" each and every capital facility and real property of the commonwealth.

SECTION 77. Section 39A of said chapter 7, as so appearing, is hereby amended by striking out, in line 24, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 78. Section 40C of said chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 19 through 22, clause (8).

SECTION 79. Said section 40C of said chapter 7, as so appearing, is hereby further amended by striking out, in lines 42 and 43, the words "in addition to the offices of programming, project management and facilities management and the bureau of state office buildings".

SECTION 80. Section 40F of said chapter 7, as so appearing, is hereby amended by striking out, in line 36, the word "and" and inserting in place thereof the following word:— or.

SECTION 81. Section 40L of said chapter 7, as so appearing, is hereby amended by striking out the word "director" in line 8 and in line 10 and inserting in place thereof, in each instance, the word:— secretary.

SECTION 82. Section 41B of said chapter 7, as so appearing, is hereby amended by striking out, in line 50, the words "bureau of project management" and inserting in place thereof, the following word:— department.

SECTION 83. Section 41C of said chapter 7, as so appearing, is hereby amended by striking out, in lines 21 through 33, the second paragraph thereof.

SECTION 84. Section 42J of said chapter 7, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "subject to approval by the director" and inserting in place thereof the following words:— subject to such approval as the commissioner may require.

SECTION 85. Section 42J of said chapter 7, as so appearing, is hereby further amended by striking out, in lines 51 through 54, the last sentence thereof and inserting in place thereof the following sentence:— The commissioner shall determine fees to be paid by public agencies for use of the department's services on projects outside its normal jurisdiction.

SECTION 86. Section 42K of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "director may, with the approval of the commissioner and" and inserting in place thereof the following words:— commissioner, with the approval of.

SECTION 87. Section 43D of said chapter 7, as so appearing, is hereby amended by striking out, in line 1, the words "director may, with the approval of the commissioner," and inserting in place thereof the following words:— commissioner may.

SECTION 88. Section 2 of chapter 7B of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "executive office of administration and finance" and inserting in place thereof, the following words:— the department of capital assets.

SECTION 89. Chapter 8 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "superintendent of state office buildings" or the word "superintendent" standing alone but used in reference to the superintendent of state office buildings, in each instance in which they appear, and inserting in place thereof, the following:— commissioner of the department of capital assets.

SECTION 90. Section 1 of chapter 8 of the General Laws is hereby repealed.

SECTION 91. Section 4 of chapter 8 of the General Laws as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "superintendent of state office buildings may, with the approval of the commissioner of administration," and inserting in place thereof, the following: words:— commissioner of the department of capital assets.

SECTION 92. Section 9 of said chapter 8 of the General Laws, as so appearing, is hereby amended by striking out in lines 17 and 18, and in line 19, the words "metropolitan district commission", and inserting in place thereof, in each instance, the following:— division of conservation and recreation.

SECTION 93. Section 10 of said chapter 8, as so appearing, is hereby amended by striking out, in line 9, the words "commissioner of administration" and inserting in place thereof the following:— commissioner of the department of capital assets.

SECTION 94. Section 16A of said chapter 8, as so appearing, is hereby amended by striking out, in line 22, the words "commissioner of administration" and inserting in place thereof, the following:— commissioner of the department of capital assets.

SECTION 95. Section 17 of said chapter 8, as so appearing, is hereby amended by striking out, in lines 1 and 2, the word "administration" and inserting in place thereof, the following words:— the department of capital assets.

SECTION 96. Section 26 of chapter 9 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words "commissioner of environmental management" and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 97. Section 26 of said chapter 9, as so appearing, is hereby amended by striking out, in line 25, the word “director” and inserting in place thereof the word:— secretary.

SECTION 98. Section 8 of chapter 13 of the General Laws is hereby repealed.

SECTION 99. Section 9 of chapter 13 of the General Laws is hereby repealed.

SECTION 100. Section 9A of chapter 13 of the General Laws is hereby repealed.

SECTION 101. Section 9B of chapter 13 of the General Laws is hereby repealed.

SECTION 102. Sections 1, 1A, 2, 3, 4, 5, and 6 of chapter 14 of the General Laws are hereby repealed.

SECTION 103. Chapter 15 of the General Laws, as so appearing in the 2000 Official Edition, is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. There shall be within the executive office for education a department of education, in this chapter called the department, which shall be under the supervision and management of a board of education.

SECTION 104. Section 4 of chapter 15A, as so appearing in the 2000 Official Edition, is hereby amended by inserting, in line 1, before the words “The board of higher education” the following sentence:— There shall be within the executive office for education a board of higher education.

SECTION 105. Section 1 of chapter 16, as so appearing in the 2000 Official Edition, is hereby repealed.

SECTION 106. Section 2 of chapter 16, as so appearing, is hereby repealed.

SECTION 107. Section 3 of chapter 16, as so appearing, is hereby repealed.

SECTION 108. Section 3A of chapter 16, as so appearing, is hereby repealed.

SECTION 109. Section 5 of chapter 16, as so appearing, is hereby repealed.

SECTION 110. Section 9 of chapter 16, as so appearing, is hereby repealed effective as of July 1, 2004.

SECTION 111. Section 13 of chapter 16, as so appearing, is hereby repealed.

SECTION 112. Section 14 of chapter 16, as so appearing, is hereby repealed.

SECTION 113. Section 19 of chapter 16 of the General Laws, appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1, 13, 38, and 40, in each instance, the words "department of environmental management" and inserting in place thereof, in each instance, the following:— division of conservation and recreation.

SECTION 114. Said section 19 of said chapter 16, as so appearing, is hereby further amended by striking out in lines 13, 37, and 39, in each instance, the word "secretary" and inserting in place thereof, in each instance, the following:— secretary for the environment.

SECTION 115. Said section 19 of said chapter 16, as so appearing, is hereby further amended by striking out, in line 52, the words "department of environmental management" and inserting in place thereof the following:— division of environmental protection.

SECTION 116. Section 1 of chapter 17 of the General Laws is hereby repealed.

SECTION 117. Section 2 of chapter 17 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 13, the words "The secretary of health and".

SECTION 118. Said section 2 of said chapter 17, as so appearing, is hereby further amended by striking out lines 14 through 22.

SECTION 119. Section 2A of chapter 17 of the General Laws is hereby repealed.

SECTION 120. Section 4 of chapter 17 of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 121. Section 4A of chapter 17 of the General Laws is hereby repealed.

SECTION 122. Section 5 of chapter 17 of the General Laws is hereby repealed.

SECTION 123. Section 6 of chapter 17 of the General Laws is hereby amended by striking out the first and second paragraphs.

SECTION 124. Section 6B of chapter 17 of the General Laws is hereby repealed.

SECTION 125. Section 7 of chapter 17 of the General Laws is hereby repealed.

SECTION 126. Section 7A of chapter 17 of the General Laws is hereby repealed.

SECTION 127. Section 11 of chapter 17, as so appearing, is hereby repealed.

SECTION 128. Section 14 of chapter 17 of the General Laws is hereby repealed.

SECTION 129. Section 15 of chapter 17 of the General Laws is hereby repealed.

SECTION 130. Section 16 of chapter 17 of the General Laws is hereby repealed.

SECTION 131. Section 17 of chapter 17 of the General Laws is hereby repealed.

SECTION 132. Chapter 18 of the General Laws, is hereby amended by striking out all of section 1, as appearing in the 2000 Official Edition, and inserting in place thereof the following sentence:—

Section 1. The department of transitional assistance, established pursuant to section 9E of chapter 6C, is referred to in this chapter as the department.

SECTION 133. Section 3 of chapter 18 of the General Laws is hereby repealed.

SECTION 134. Section 4 of chapter 18 of the General Laws is hereby repealed.

SECTION 135. Section 5 of chapter 18 of the General Laws is hereby repealed.

SECTION 136. Section 7 of chapter 18 of the General Laws is hereby repealed.

SECTION 137. Section 8 of chapter 18 of the General Laws is hereby repealed.

SECTION 138. Section 9 of chapter 18 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first paragraph.

SECTION 139. Section 10 of said chapter 18, as so appearing, is hereby repealed.

SECTION 140. Section 16 of said chapter 18, as so appearing, is hereby amended by striking out the first, third, and fourth, paragraphs.

SECTION 141. Section 28 of said chapter 18, as so appearing, is hereby repealed.

SECTION 142. Chapter 18A of the General Laws, as so appearing, is hereby repealed.

SECTION 143. Chapter 18B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. The department of social services, established pursuant to section 9D of chapter 6C, is referred to in this chapter as the department.

SECTION 144. Section 2 of said chapter 18B, as so appearing, is hereby amended by striking out in lines 5, 10, 13, and 18 the words “the aging”.

SECTION 145. Section 2 of said chapter 18B, as so appearing, is hereby further amended by striking out in line 15 the words “or aging persons”.

SECTION 146. Section 3 of said chapter 18B, as so appearing, is hereby amended by striking out all text that appears in lines 2 through 5 after the words “area level”.

SECTION 147. Said section 3 of said chapter 18B, as so appearing, is hereby further amended by striking out subsection (A)(2) in its entirety.

SECTION 148. Said section 3 of said chapter 18B, as so appearing, is hereby further amended by striking out, in line 20, the number “(3)” and inserting in place thereof:— (2).

SECTION 149. Section 6 of chapter 18B of the General Laws is hereby repealed.

SECTION 150. Chapter 18B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in the caption of Section 6A, the word “Director”.

SECTION 151. Section 6A of said chapter 18B, as so appearing, is hereby amended by striking out, in lines 1 and 2, the phrase “appoint a foster care review director who shall”.

SECTION 152. Said section 6A of said chapter 18B, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the phrase “Said director shall appoint, subject to the approval of the said commissioner,”.

SECTION 153. Section 7 of said chapter 18B, as so appearing, is hereby amended by adding, at the beginning of line 1, the following sentence:— The commissioner appointed pursuant to section 9D of chapter 6C shall have the following powers and duties:.

SECTION 154. Section 8 of chapter 18B of the General Laws is hereby repealed.

SECTION 155. Section 9 of chapter 18B of the General Laws is hereby repealed.

SECTION 156. Section 10 of chapter 18B of the General Laws is hereby repealed.

SECTION 157. Section 11 of chapter 18B of the General Laws is hereby repealed.

SECTION 158. Section 12 of chapter 18B of the General Laws is hereby repealed.

SECTION 159. Section 13 of chapter 18B of the General Laws is hereby repealed.

SECTION 160. Section 14 of chapter 18B of the General Laws is hereby repealed.

SECTION 161. Section 15 of chapter 18B of the General Laws is hereby repealed.

SECTION 162. Section 16 of chapter 18B of the General Laws is hereby repealed.

SECTION 163. Section 17 of chapter 18B of the General Laws is hereby repealed.

SECTION 164. Section 22 of chapter 18B, as appearing in the 2000 Official Edition, is hereby amended by striking out all references to the “department of public welfare” and inserting in place thereof, in each instance, the following:— executive office of health and human services.

SECTION 165. Section 1 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out lines 1 through 58, inclusive, and inserting in place thereof the following sentence:— The department of mental health, established pursuant to section 9C of chapter 6C, is referred to in this chapter as the department. The commissioner of mental health, appointed pursuant to section 9C(b)(1) of chapter 6C, is referred to herein as the commissioner.

SECTION 166. Section 2 of said chapter 19, as so appearing, is hereby amended by striking out lines 1 through 13, up to and including the word “time”.

SECTION 167. Section 2 of said chapter 19, as so appearing, is hereby further amended by striking out, in lines 18 and 19, the phrase “to community mental health area directors appointed under the provisions of section thirteen”.

SECTION 168. Said section 2 of said chapter 19, as so appearing, is hereby further amended by striking lines 33 through 42, inclusive.

SECTION 169. Section 3 of chapter 19 of the General Laws is hereby repealed.

SECTION 170. Section 4 of chapter 19 of the General Laws is hereby repealed.

SECTION 171. Section 5 of chapter 19 of the General Laws is hereby repealed.

SECTION 172. Section 7 of chapter 19 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out all text appearing after the word "department" in line 4.

SECTION 173. Said section 7 of said chapter 19, as so appearing, is hereby further amended by adding the following sentence at the end of line 11:— The department of highways shall construct and maintain roads on the grounds of property of a state mental health facility; and expenses so incurred shall be paid from appropriations for the maintenance of such facility.

SECTION 174. Section 8 of chapter 19 of the General Laws is hereby repealed.

SECTION 175. Section 8A of said chapter 19 of the General Laws is hereby repealed.

SECTION 176. Section 11 of chapter 19 of the General Laws is hereby repealed.

SECTION 177. Chapter 19 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 12 and inserting in place thereof the following section:—

Section 12. Community mental health services. The department shall establish a comprehensive program of community mental health services, which shall include state hospitals, clinics, comprehensive centers and other facilities of the department, and shall establish standards for the development of said community programs. The program shall include and allow for the development of mental health services and facilities, as needed, which shall be readily accessible to people, taking into consideration such factors as geographic boundaries, roads, and other means of transportation, population concentration, city, town and county lines, other relevant community services, and community economic and social relationships.

SECTION 178. Section 13 of chapter 19 of the General Laws is hereby repealed.

SECTION 179. Section 14 of chapter 19 of the General Laws is hereby repealed.

SECTION 180. Section 15 of chapter 19 of the General Laws is hereby repealed.

SECTION 181. Section 17 of chapter 19 of the General Laws is hereby repealed.

SECTION 182. Section 18 of chapter 19 of the General Laws is hereby repealed.

SECTION 183. Section 21 of chapter 19 of the General Laws is hereby repealed.

SECTION 184. Chapter 19A is hereby amended by striking out Section 1, as so appearing, in its entirety and inserting in place thereof the following paragraph:—

The department of elder affairs, established pursuant to section 9A of chapter 6C, is referred to as the department in this chapter.

SECTION 185. Section 2 of chapter 19A, as so appearing, is hereby repealed.

SECTION 186. Section 3 of chapter 19A, as so appearing, is hereby repealed.

SECTION 187. Section 5 of chapter 19A, as so appearing, is hereby repealed.

SECTION 188. Section 6 of chapter 19A, as so appearing, is hereby repealed.

SECTION 189. Section 7 of chapter 19A, as so appearing, is hereby repealed.

SECTION 190. Section 9 of chapter 19A, as so appearing, is hereby repealed.

SECTION 191. Section 25 of chapter 19A, as so appearing, is hereby repealed.

SECTION 192. Section 1 of chapter 67 of the Acts of 1996, as amended by section 87 of chapter 161 of the Acts of 1998, is hereby amended by striking out the words “division of medical assistance” and “division” in each instance in which they appear, and inserting in place thereof, in each instance, the words:— Executive Office of Health and Human Services or its designated agency or office.

SECTION 193. Section 1 of chapter 19B of the General Law, as so appearing, is hereby amended by striking out the first paragraph in its entirety and inserting in place thereof the following sentence:— The department of mental retardation, established pursuant to section 9J of chapter 6C , is referred to in this chapter as the department.

SECTION 194. Section 2 of chapter 19B of the General Laws is hereby repealed.

SECTION 195. Section 3 of chapter 19B of the General Laws is hereby repealed.

SECTION 196. Section 4 of chapter 19B of the General Laws is hereby repealed.

SECTION 197. Section 5 of chapter 19B of the General Laws is hereby repealed.

SECTION 198. Section 8 of chapter 19B of the General Laws is hereby repealed.

SECTION 199. Section 14 of chapter 19B of the General Laws is hereby repealed.

SECTION 200. Section 16 of chapter 19B of the General Laws is hereby repealed.

SECTION 201. Section 18 of chapter 19B of the General Laws is hereby repealed.

SECTION 202. Section 17 of chapter 19D of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the word "director" in line 8 and inserting in place thereof the word:— secretary.

SECTION 203. Chapter 21 of the General Laws, as so appearing, is hereby amended by striking out the title of the chapter "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 204. Section 1 of chapter 2, as so appearing, is hereby amended by striking out the words "department of environmental management" in the title and inserting in place thereof the following:— division of conservation and recreation.

SECTION 205. Said section 1 of said chapter 21 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 1 and 2, the word "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation;

SECTION 206. Said section 1 of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 2, 14, 19, and 28, each time it appears, the word "department" and inserting in place thereof, in each instance, the following:— division.

SECTION 207. Said section 1 of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 28 and 29, the words "a division of forests and parks, a division of water resources" and inserting in place thereof the following:— a bureau of parks and recreation management,.

SECTION 208. Said section 1 of said chapter 21, as so appearing, is hereby further amended by striking out lines 28 through 30 and inserting in place thereof the following:— The commissioner of conservation and recreation shall be the executive and administrative officer of the division of conservation and recreation. The division of conservation and recreation shall include a bureau of parks and recreation management, which shall be divided into a number of regions, to be determined by the director and subject to the approval of the secretary. At a minimum, one region shall be the metropolitan parks system region.

The division shall also include a bureau of watersheds and a bureau of engineering and planning.

SECTION 209. Section 2 of said chapter 21, as so appearing, is hereby amended by striking out the term "board of environmental management" in the title and inserting in place thereof the following:— Stewardship council of the division of conservation and recreation.

SECTION 210. Said section 2 of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 1, 2, and 4, the word "board" and inserting in place thereof the following:— stewardship council.

SECTION 211. Said section 2 of said chapter 21, as so appearing, is hereby further amended by striking out, in line 6, the word "seven" and inserting in place thereof the following:— Five.

SECTION 212. Said section 2 of said chapter 21, as so appearing, is hereby further amended by striking out, in line 7, the word "seven" and inserting in place thereof the following:— thirteen.

SECTION 213. Said section 2 of said chapter 21, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The appointments of members of the stewardship council, except an appointment made to fill a vacancy in an unexpired term, shall be for five years.

SECTION 214. Said chapter 21, as so appearing, is hereby amended by striking out section 2A and inserting in place thereof the following section:—

Section 2A. There shall be a thirteen member stewardship council of the division of conservation and recreation. There shall be six members of the stewardship council that shall be selected with due regard to geographic distribution, located outside the district of the former metropolitan district commission. One of these six members shall be a resident of Berkshire County. The sixth member of the council shall be selected by a process through which the commissioner of the division of conservation and recreation requests that each of the boards of trustees or directors of the Massachusetts Audubon Society, the Massachusetts Chapter of the Sierra Club, the Massachusetts Chapter of the Appalachian Mountain Club, and the Trustees of Reservations nominate three candidates for the sixth member of the council. From the nominations received from the several boards of such organizations, the commissioner shall select three candidates whom he shall recommend to the governor. The governor shall appoint the sixth member of the council from among the candidates recommended by the commissioner, which member shall be appointed without regard to the county membership restrictions outlined above.

There shall be five members who are residents of the district of the former metropolitan district commission, which shall be appointed without regard to the county membership restrictions outlined above. Of these five members who are residents of the district, one member of the council shall be selected by a process through which the commissioner of the division of conservation and recreation requests that each of the boards of trustees or directors of Boston Greenspace Alliance, the Charles River Watershed Association, the Conservation Law Foundation, and the Environmental League of Massachusetts nominate three candidates for the eleventh member of the council. From the nominations received from the several boards of such organizations, the commissioner shall select three candidates whom he shall recommend to the governor. The governor shall appoint the eleventh member of the council from among the candidates recommended by the commissioner.

There shall be two at large members of the stewardship council who shall be appointed by the governor without regard to geographic distribution or residency in the district.

SECTION 215. Section 2B of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, 20 and 21, each time it appears, the word "board of environmental management" and inserting in place thereof, in each instance, the following:— stewardship council.

SECTION 216. Said section 2B of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 23 and 24, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 217. Said section 2B of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 5, 8, 10, 12, 16, 21, 27, 30, and 31, each time it appears, the word "board" and inserting in place thereof the following:— stewardship council.

SECTION 218. Section 2C of said chapter 21, as so appearing, is hereby amended by striking out the term "board" in the title and inserting in place thereof the following:— council.

SECTION 219. Said section 2C of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 1, 9 and 10, each time they appear, the words "board of environmental management" and inserting in place thereof the following:— council.

SECTION 220. Said section 2C of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 5, 7, and 14, each time it appears, the word "board" and inserting in place thereof, in each instance, the following:— council.

SECTION 221. Said section 2C of said chapter 21, as so appearing, is hereby further amended by striking out, in line 5, the word "Three" and inserting in place thereof the following:— Five.

SECTION 222. Said section 2C of said chapter 21, as so appearing, is hereby further amended by striking out, in line 15, the word "three" and inserting in place thereof the following:— Five.

SECTION 223. Said section 2C of said chapter 21, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 224. Said section 2C of said chapter 21, as so appearing, is hereby further amended by inserting after the word "provided", in line 5, the following words:— that the chairman and secretary shall serve no more than two consecutive terms.

SECTION 225. Section 2D of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the word "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 226. Section 2E of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the term "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 227. Said section 2E of said chapter 21, as so appearing, is hereby further amended by striking out, in line 6, the word "board" and inserting in place thereof the following:— stewardship council.

SECTION 228. Section 2F of said chapter 21, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 229. Section 3 of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the term "commissioner of environmental management" and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 230. Said section 3 of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 231. Said section 3 of said chapter 21, as so appearing, is hereby further amended by striking out the second sentence.

SECTION 232. Said section 3 of said chapter 21, as so appearing, is hereby further amended by striking out, in line 2, the word "department" and inserting in place thereof the following:— division.

SECTION 233. Section 3A of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the words "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 234. Section 3B of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the words "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 235. Said chapter 21, as so appearing, is hereby amended by striking out section 3C, and inserting in place thereof the following section:—

Section 3C. The commissioner of the division of conservation and recreation shall solicit advice and input from the stewardship council on budgetary issues of the division and provide periodic reports of activities, revenue and expenditures of the division to the council.

SECTION 236. Section 3D of said chapter 21, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 237. Section 4 of chapter 21 of the General Laws is hereby repealed.

SECTION 238. Section 4A of chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "The director of the division of forests and parks, with the approval of the commissioner" and inserting in place thereof the following:— The commissioner of conservation and recreation.

SECTION 239. Said section 4A of said chapter 21, as so appearing, is hereby amended; and by striking out, in lines 10, 12, and 15, each time it appears, the word "director" and inserting in place thereof, in each instance, the following:— commissioner.

SECTION 240. Section 4B of said chapter 21, as so appearing, is hereby amended by striking out the words "bureaus; chiefs", in the title of said section, and inserting in place thereof the following:— Bureau of Park and Recreation Management.

SECTION 241. Said section 4B of said chapter 21, as so appearing, is hereby further amended by striking out, in line 1, the words "forests and parks" and inserting in place thereof the following:— conservation and recreation.

SECTION 242. Said section 4B of said chapter 21, as so appearing, is hereby further amended striking out, in line 2 through 5, the words "of forest fire control under the direction and control of a chief fire warden, a bureau of forestry under the direction and control of a chief forester and a bureau of recreation under the direction and control of a chief of recreation" and inserting in place thereof the following:— of park and recreation management.

SECTION 243. Said section 4B of said chapter 21, as so appearing, is hereby further amended by striking out the second and third sentences.

SECTION 244. Section 4D of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the term "fire control" and inserting in place thereof the following:— park and recreation management.

SECTION 245. Said section 4D of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the words "the director, with the approval of".

SECTION 246. Said section 4D of said chapter 21, as so appearing, is hereby amended by inserting after the term "commissioner", in line 2, the following:— of conservation and recreation.

SECTION 247. Section 4E of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the word "recreation" and inserting in place thereof the following:— park and recreation management.

SECTION 248. Said section 4E of said chapter 21, as so appearing, is hereby further amended striking out, in lines 1 and 2, the words "the director, with the approval of".

SECTION 249. Said section 4E of said chapter 21, as so appearing, is hereby further amended by inserting after the word "commissioner", in line 2, the following:— of conservation and recreation,.

SECTION 250. Said section 4E of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 4 and 5, the words "as are now vested in the division of forests and parks and recreation" and inserting in place thereof the following:— as required.

SECTION 251. Section 4F of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the word "forestry" and inserting in place thereof the following:— parks and recreation management.

SECTION 252. Said section 4F of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 1 and 2, words "the director, with the approval of".

SECTION 253. Said section 4F of said chapter 21, as so appearing, is hereby further amended by inserting after the word "commissioner", in line 2, the following:— of conservation and recreation.

SECTION 254. Said section 4F of said chapter 21, as so appearing, is hereby further amended by striking out, in line 4, the word "department" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 255. Said section 4F of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 6 and 7 and in line 18, the words "division of forestry" and inserting in place thereof the following:— bureau of parks and recreation management.

SECTION 256. Said section 4F of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 1, 20, and 21, the words "of forestry" and inserting in place thereof the following:— of park and recreation management.

SECTION 257. Section 6F of said chapter 21, as so appearing, is hereby amended by striking out, in line 86, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 258. Section 8 of said chapter 21, as so appearing, is hereby amended by striking out, in line 3, the words "of the department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 259. Section 14 of said chapter 21, as so appearing, is hereby amended by striking out, in lines 20 through 26, all text appearing after the word "construction".

SECTION 260. Section 16 of said chapter 21, as so appearing, is hereby amended by inserting after the word "division", in line 3, the following words:— of professional licensure within the office of consumer affairs and business regulation.

SECTION 261. Said section 16 of said chapter 21, as so appearing, is hereby further amended by striking out, in line 5, the word "commissioner" and inserting in place thereof the following word:— secretary.

SECTION 262. Section 17A of said chapter 21, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "department of fisheries, wildlife and environmental law enforcement" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 263. Said section 17A of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 3, 4 and 5, each time it appears, the word "division" and inserting in place thereof, in each instance, the following:— bureau.

SECTION 264. Said section 17A of said chapter 21, as so appearing, is hereby further amended by striking out, in line 3, the word "fisheries" and inserting in place thereof the following:— fish.

SECTION 265. Said section 17A of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words "forest and parks" and inserting in place thereof the following:— parks and recreation management.

SECTION 266. Said section 17A of said chapter 21, as so appearing, is hereby further amended by striking out, in line 6, the words "division of waterways" and inserting in place thereof the following:— office of infrastructure, dams and planning.

SECTION 267. Said section 17A of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 16, 22, 26, 28 and 34, the word "department" and inserting in place thereof the following:— division.

SECTION 268. Section 17B of said chapter 21, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 269. Said section 17B of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 64 and 65, the words "department of natural resources, the department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 270. Section 19 of said chapter 21, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "environmental management" and inserting in place thereof the following:— conservation and recreation.

SECTION 271. Section 26A of said chapter 21, as so appearing, is hereby amended by striking out, in lines 47 and 48, the term "metropolitan district commission".

SECTION 272. Section 37 of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 273. Section 37A of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the term "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 274. Said section 37A of said chapter 21, as so appearing, is hereby further amended by striking out in lines 2, 6, 14, 20, 25, 29, 38, and 42, each time it appears, the word "department" and inserting in place thereof in each instance the following:— division.

SECTION 275. Section 37B of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following:— division.

SECTION 276. Section 37C of said chapter 21, as so appearing, is hereby amended by striking out in lines 3, 4, 8, and 10, each time it appears, the word "department" and inserting in place thereof, in each instance, the following:— division.

SECTION 277. Section 37D of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following:— division.

SECTION 278. Section 40 of said chapter 21, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "division of watershed management in the metropolitan district commission" and inserting in place thereof the following:— bureau of watershed management in the division of conservation and recreation.

SECTION 279. Section 7 of chapter 21A of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 through 5, the words "a department of environmental management, a department of food and agriculture, a department of fisheries, wildlife, and environmental law enforcement, and a department of the metropolitan district commission" and inserting in place thereof the following:— a division of conservation and recreation, a division of environmental protection, a division of agricultural resources, and a division of fisheries and wildlife.

SECTION 280. Section 7A of said chapter 21A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "The commissioner of environmental management may appoint and remove a director of the division of waterways and".

SECTION 281. Section 7A of said chapter 21A, as so appearing, is hereby further amended by striking out, in line 4, the words "and neither position shall" and inserting in place thereof the following:— which shall not.

SECTION 282. Section 8 of said chapter 21A, as so appearing, is hereby further amended by inserting, after the second paragraph, the following:—

Notwithstanding any general or special law to the contrary, the department shall, through its policies, regulatory standards, permits, approvals, fees and enforcement actions, have the authority to promote, to the maximum extent feasible and appropriate, pollution prevention and resource conservation. For purposes of this section, "pollution prevention," means "source reduction" as defined in the Pollution Prevention Act of 1990, 42 U.S.C.A. § 13102(5)(A) and (B); and "resource conservation," means actions that decrease the use or consumption of natural assets such as water, energy, land, or raw materials, or increase the efficiency of the use of such assets, without increasing risks to the public, including workers and consumers, or the environment and without increasing the amount of waste generated. The department shall also promote, to the maximum extent feasible and appropriate, the use of technologies which support pollution prevention and resource conservation, and which would have a substantial likelihood of achieving greater environmental protection than other technologies currently in use or at least comparable results at lower cost in terms of energy or environmental impacts. Notwithstanding any general or special law to the contrary, the department shall have the authority and responsibility to consider pollution prevention and resource conservation in the development and implementation of all its environmental protection efforts.

SECTION 283. Said section 8 of said chapter 21A, as so appearing, is hereby amended by striking out lines 43 to 47 and inserting in place thereof the following new paragraphs:—

The commissioner of conservation and recreation shall be the executive and administrative officer of the division of conservation and recreation. The commissioner shall be appointed by the secretary for the environments with the approval of the governor.

The division of conservation and recreation shall include a Massachusetts park service, a metropolitan park service, and a division of water.

SECTION 284. Paragraph 7 of said section 8 of said chapter 21A, as so appearing, is hereby amended by striking out, in lines 70 through 75, the last sentence.

SECTION 285. Said section 8 of said chapter 21A, as so appearing, is hereby further amended by striking out lines 94 through 96.

SECTION 286. Said section 8A of said chapter 21A, as so appearing, is hereby amended by striking out, in lines 4 through 10, the words "secretary of the executive office of environmental affairs, the commissioner of the department of environmental protection, the commissioner of the metropolitan district commission, the commissioner of the department of fisheries, wildlife and environmental law enforcement, the commissioner of the department of food and agriculture" and inserting in place thereof the following:— secretary for the environment, the commissioner of the division of environmental protection, the commissioner of the division of conservation and recreation, the commissioner of the division of fisheries, wildlife and environmental law enforcement, the commissioner of the division of agricultural resources.

SECTION 287. Said section 8A of said chapter 21A, as so appearing, is hereby further amended by striking out, in line 10, the word "director" and inserting in place thereof the word:— secretary.

SECTION 288. Section 10 of said chapter 21A, as so appearing, is hereby amended by striking out, in lines 7 through 10, the words "M.D.C. Sewerage District Fund" and inserting in place thereof the following:— Department of Conservation and Recreation, Division of Water, Sewerage Fund.

SECTION 289. Said section 10 of said chapter 21A, as so appearing, is hereby further amended by striking out, in line 8, the words "M.D.C. Water District Fund" and inserting in place thereof the following:— Department of Conservation and Recreation, Division of Water, Water Fund.

SECTION 290. Said section 10 of said chapter 21A, as so appearing, is hereby further amended by striking out, in line 8, the words "and M.D.C. Parks District Fund" and inserting in place thereof the following:— Department of Conservation and Recreation, Parks Fund.

SECTION 291. Section 11A of said chapter 21A, as so appearing, is hereby amended by striking out, in line 6, the words "commissioner of environmental management" in place thereof the following:— commissioner of conservation and recreation.

SECTION 292. Said section 11A of said chapter 21A, as so appearing, is hereby further amended by striking out, in line 7, the words "the commissioner of the metropolitan district commission or his designee,".

SECTION 293. Section 2 of chapter 21D of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "department of environmental management" and by inserting in place thereof the following:— division of environmental protection.

SECTION 294. Said section 2 of said chapter 21D, as so appearing, is hereby further amended by striking out, in line 13, the words ""council", the hazardous waste facility site safety council."

SECTION 295. Said section 2 of said chapter 21D, as so appearing, is hereby further amended by striking out, in line 18, the words "department of environmental management" and inserting in place thereof the following:— division of environmental protection.

SECTION 296. Said section 2 of said chapter 21D of the General Laws, as so appearing, is hereby further amended by striking out, in lines 56 and 57, the words "of the executive office of environmental affairs" and inserting in place thereof the following:— for the environment.

SECTION 297. Section 3 of said chapter 21D, as so appearing, is hereby amended by striking out, in line 1, the words "department of environmental management" and inserting in place thereof the following:— division of environmental protection.

SECTION 298. Said section 3 of said chapter 21D, as so appearing, is hereby further amended by striking out, in line 3, the words "annually a" and inserting in place thereof the following:— , and update from time to time in the discretion of the department, a.

SECTION 299. Said section 3 of said chapter 21D, as so appearing, is hereby further amended by striking out, in lines 4, 5 and 6, the words ", after first providing the council an adequate opportunity to review and comment on the contents of said report prior to its final adoption by the department."

SECTION 300. Said section 3 of said chapter 21D, as so appearing, is hereby further amended by inserting after the word "report,", in line 34, the following word:— and.

SECTION 301. Said section 3 of said chapter 21D, as so appearing, is hereby further amended by striking out, in lines 35 and 36, the words ", and to report the results of its activities to the council semi-annually."

SECTION 302. Said section 3 of said chapter 21D, as so appearing, is hereby further amended by striking out, in lines 60 and 61, the words ", the hazardous waste facility site safety council, the department of environmental protection."

SECTION 303. Section 4 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 5, 33, 45, 46 and 48, each time it appears, the word "council" and inserting in place thereof, in each instance, the following:— department.

SECTION 304. Section 5 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 5, 34, 41, 45 and 47, each time it appears, the word "council" and inserting in place thereof the following:— department.

SECTION 305. Section 7 of said chapter 21D, as so appearing, is hereby amended by striking out, in line 3, the words "council, the department, the department of environmental protection" and inserting in place thereof the following:— the department.

SECTION 306. Said section 7 of said chapter 21D, as so appearing, is hereby further amended by striking out, in lines 30 and 31, the words "or the council."

SECTION 307. Said section 7 of said chapter 21D, as so appearing, is hereby further amended by striking out, in lines 44 and 48, the word "council" and inserting in place thereof the following:— department.

SECTION 308. Said section 7 of said chapter 21D of the General Laws, as so appearing, is hereby further amended by striking out, in lines 45 and 46, the words ", and upon consultation with the department of environmental protection."

SECTION 309. Section 8 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 4 and 5, "hazardous waste facility siting council" and inserting in place thereof the following:— department.

SECTION 310. Said section 8 of said chapter 21D, as so appearing, is hereby further amended by striking out, in line 11, the word "council" and inserting in place thereof the following:— department.

SECTION 311. Section 9 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 3, 37, 46, 48 and 52, the word "council" and inserting in place thereof the following:— department.

SECTION 312. Said section 9 of said chapter 21D, as so appearing, is hereby further amended by striking out, in lines 45 and 46, the words ", upon consultation with the department of environmental protection,."

SECTION 313. Section 10 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 2, 7, 13, 20, 29, 32, 34, 36, 51 and 54, each time it appears, the word "council" and inserting in place thereof, in each instance, the following:— department.

SECTION 314. Section 11 of said chapter 21D, as so appearing, is hereby amended by striking out, each time it appears, in lines 3, 7, and 17, the word "council" and inserting in place thereof, in each instance, the following:— department.

SECTION 315. Section 12 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 5 and 6, the word "council" and inserting in place thereof the following:— department.

SECTION 316. Section 13 of said chapter 21D, as so appearing, is hereby amended by striking out, in line 9, the word "council" and inserting in place thereof the following:— department.

SECTION 317. Section 14 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 3, 4, 10, 12, 18, 22, 28, 30, 40, 43, 47, 50, 54 and 55, and 56, each time it appears, the word "council" and inserting in place thereof, in each instance, the following:— department.

SECTION 318. Said section 14 of said chapter 21D, as so appearing, is hereby further amended by striking out, in line 51, the words "a majority of the council" and inserting in place thereof the following:— the department.

SECTION 319. Section 15 of said chapter 21D, as so appearing, is hereby amended by striking out, in line 3, the words ", the department."

SECTION 320. Said section 15 of said chapter 21D, as so appearing, is hereby further amended by inserting after the word "exists", in line 5, the following:— or upon the initiative of the department.

SECTION 321. Said section 15 of said chapter 21D, as so appearing, is hereby further amended by striking out, in lines 1, 4, 5, 9, 12, 15, 24, 25, 28, 29, and 35, each time it appears, the word "council" and inserting in place thereof, in each instance, the following:— department.

SECTION 322. Said section 15 of said chapter 21D, as so appearing, is hereby further amended by striking out, in line 30, the words "a majority of the council" and inserting in place thereof the following:— the department.

SECTION 323. Section 17 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 18 and 19, and 21 and 22, in each instance, the words ", with the concurrence of the department of environmental protection,".

SECTION 324. Section 18 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "any division of the department of environmental protection" and inserting in place thereof the following:— the division of environmental protection or any antecedent agency thereto.

SECTION 325. Section 2 of chapter 21F of the General Laws, as so appearing, is hereby amended by striking out, in line 31, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 326. Section 16 of said chapter 21G of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 through 14, the words "division of watershed management of the metropolitan district commission" and inserting in place thereof the following:— bureau of watershed management in the division of conservation and recreation.

SECTION 327. Chapter 21I of the General Laws, as so appearing, is hereby amended by striking out section 7 and inserting in place thereof the following:—

Section 7. Office of Toxics Use Reduction Assistance and Technology.

The office of toxics use reduction assistance and technology is hereby established within the division. The office shall have a director and appropriate staff to carry out its responsibilities and programs. These responsibilities and programs shall include, but not be limited to, the following:

(A) The office shall provide technical assistance to persons to assist them in implementing effective pollution prevention, resource conservation and toxics use reduction, and in complying with the requirements of this chapter and other applicable environmental and health and safety laws. The office shall prioritize such assistance for persons who have been referred to the office by the department, the office of the attorney general or other state agencies. The office shall establish a process for ensuring that persons that receive assistance report to the office on the implementation of recommendations received from the office.

(B) The office shall utilize its expertise in source reduction and knowledge of industrial sectors to assist the department and the division in implementing pollution prevention, resource conservation and toxics use reduction as the preferred means of achieving compliance with applicable laws and regulations.

(C) The office shall promote and disseminate information concerning pollution prevention and toxics use reduction technologies, resource conservation, environmental management system and environmental stewardship practices. In order to assist in this, the office shall compile technical documents, guidance and case studies that utilize the results of its technical assistance efforts as described in paragraph (A) of this section.

(D) The office shall promote research or pilot projects to develop and demonstrate innovative technologies for toxics use reduction. The results of all such projects shall be available for use by the public. Information protected by trade secret protections as established in section nineteen shall remain so protected.

(E) The office shall engage in an outreach program to small businesses that are toxics users required to report and plan pursuant to this chapter, and shall assist first-time filers with reporting requirements and trade secret submissions. The office shall, with the assistance of the division and the institute, conduct training and workshop for toxics users to assist them in meeting their requirements under this chapter.

(F) By July 1, 2004, the Office shall produce a report for the council that identifies competitive and regulatory barriers to business progress as they relate to pollution prevention, toxics use reduction, and environmental protection. The office may consult with the department of economic development, the division and the institute and shall make recommendations to the council on appropriate actions required to resolve barriers. The office shall annually update this report.

(G) The office shall develop a business and community recognition program to promote the toxics use reduction achievements of Massachusetts industry.

(H) The office may work with public health agents, POTWs, local emergency planning committees and other officials to assist them with reducing the potential risk of chemical hazards posed by large quantity toxics users, other toxics users or other manufacturing facilities located within their jurisdictions. The office may prioritize referrals from local authorities; train local officials to increase their awareness and understanding of toxics use reduction, and pursue other collaborations as appropriate.

(I) Documentary materials, and portions thereof, submitted by an applicant for assistance to the office of technical assistance shall not be made available to the enforcement staff of the division, and shall not be deemed public records of the program and shall not be subject to the provisions of section 10 of chapter 66 only to the extent that such materials consist of the following: (1) trade secrets, (2) commercial or financial information regarding the operation of business conducted by an applicant for assistance, or (3) commercial or financial information regarding the competitive position of such applicant in a particular field of endeavor.

However, any documentary materials, or data received by the employee of the program shall be made publicly available if:

(1) the person, from whom the documentary materials or data was received, agrees that such information may be made available to the department or other persons;

(2) the documentary materials or data pertain to an imminent threat to public health or safety, or to the environment, as determined by the office; or

(3) disclosure of the documentary materials or data to the department or other persons is required by law other than section 10 of chapter 66.

For purposes of this section, imminent threat shall be defined as any condition or practice in an industrial facility where there is reasonable certainty that an immediate danger exists that (a) poses a significant risk of death or serious physical harm to employees or (b) poses a significant risk of harm to public health, pubic welfare or the environment.

The office shall notify persons requesting technical assistance of these provisions, provided, however, that failure to notify a person of these requirements shall not invalidate the effect thereof.

The office may establish fees, tuition, or other financial charges for its programs, in accordance with section four B of chapter seven and may receive additional funds from grants, gifts, bequests or other contributions or through contracts.

Nothing in this section shall relieve any person of any obligation to provide the department any notice or information required by any statute or regulation.

SECTION 328. Section 1 of chapter 21J of the General Laws, as so appearing, is hereby amended by striking out lines 3 and 4 thereof.

SECTION 329. Said section 1 of said chapter 21J, as so appearing, is hereby further amended by striking out, in lines 51 and 52, the words “board, the department, and the department of environmental protection” and inserting in place thereof the following word:— department.

SECTION 330. Said section 1 of said chapter 21J, as so appearing, is hereby further amended by striking out, in line 22, the word “revenue” and inserting in place thereof the following word:— environment.

SECTION 331. Section 2 of said chapter 21J, as so appearing, is hereby amended by striking out, in line 26 and in line 29, the word “board” and inserting in place thereof the following word:— department.

SECTION 332. Subsection (C) of said section 2 of said chapter 21J, as so appearing, is hereby amended by striking out, in lines 43 through 47, the last sentence thereof and inserting in place thereof the following:— The department shall compile a monthly report listing revenues generated by the delivery fees and the annual storage tank fees for the previous month and outlays from the fund, including reimbursements, agency appropriations and third party claims issued during the previous month.

SECTION 333. Said section 2 of said chapter 21J, as so appearing, is hereby further amended by striking out, in lines 51, and 52, in each instance, the phrase “and the board”.

SECTION 334. Said section 2 of said chapter 21J, as so appearing, is hereby further amended by striking out, in lines 55 through 68, clause (c) and clause (d).

SECTION 335. Said section 2 of said chapter 21J, as so appearing, is hereby further amended by striking out in line 68, the designation “(e)” and inserting in place thereof the following:— (c).

SECTION 336. Section 4 of said chapter 21J, as so appearing, is hereby further amended by striking out, in lines 10 and 11, the phrase "working in conjunction with the department of environmental protection;".

SECTION 337. Said section 4 of said chapter 21J, as so appearing, is hereby further amended by striking out, in line 12, the word "Board" and inserting in place thereof the following word:— department.

SECTION 338. Said section 4 of said chapter 21J, as so appearing, is hereby further amended by striking out lines 42 through 45, inclusive, and inserting in place thereof the following:—

(i) for the department, $1,000,000; and

(ii) for the department and the department of fire services underground storage tank compliance, $450,000.

SECTION 339. Said section 4 of said chapter 21J, as so appearing, is hereby further amended by striking out the words "board may, by a two-thirds vote of those members present and voting" and inserting in place thereof the following:— department may,.

SECTION 340. Said section 4 of said chapter 21J, as so appearing, is hereby further amended by striking out, in line 49 and in line 67, the word "board" and inserting in place thereof, in each instance, the following word:— department.

SECTION 341. Said section 4 of said chapter 21J, as so appearing, is hereby further amended by striking out, in line 77, the words "of environmental protection".

SECTION 342. Section 6 of said chapter 21J, as so appearing, is hereby amended by striking out, in line 3, the words "the board" and inserting in place thereof the following:— the department.

SECTION 343. Said section 6 of chapter 21J, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— The department shall make payments from the fund for any claim so approved.

SECTION 344. Section 8 of said chapter 21J, as so appearing, is hereby amended by striking out the first paragraph thereof, and inserting in its place the following:—

No claim for reimbursement shall be submitted to or received or acted on by the department until after all regulations required pursuant to this section have been promulgated and taken effect.

SECTION 345. Said section 8 of said chapter 21J, as so appearing, is hereby further amended by striking out, in line 61, the word "board" and inserting in place thereof the following word:— department.

SECTION 346. Said section 8 of said chapter 21J, as so appearing, is hereby further amended by striking out, in line 76, the word "Board" and inserting in place thereof the following word:— department.

SECTION 347. Section 10 of said chapter 21J, as so appearing, is hereby amended by striking out, in line 4, the word "board" and inserting in place thereof the following word:— department.

SECTION 348. Section 11 of said chapter 21J, as so appearing, is hereby amended by striking out, in line 1 and in line 9, the word "board" and inserting in place thereof, in each instance, the following word:— department.

SECTION 349. Chapter 22 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 350. Chapter 22 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 351. Sections 1, 2, 3, 4A, 5, and 6 of chapter 22 of the General Laws are hereby repealed.

SECTION 352. Section 7 of chapter 22C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 6, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 353. Chapter 23 of the General Laws, as amended by chapter 357 of the acts of 2002, is hereby repealed.

SECTION 354. Section 1 of chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 355. Section 1(b) of chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the words "and the division of energy resources" in line 25 thereof.

SECTION 356. Section 2 of said chapter 23A, as so appearing, is hereby amended by striking out the entire section and inserting in place thereof the following:—

Section 2. The department of business and technology shall serve as the principal agency of the government of the commonwealth for the purpose of developing a rapid response team, herein referred to as the team. The team shall consist of the secretary of business and technology or his designee, the director of the industrial service program or his designee and the division coordinators as designated by the secretary of business and technology. The purpose of the team shall be to aggressively market the commonwealth to attract prospective business and to intervene in situations where there exists a possibility of job loss. The team shall create and disseminate promotional information concerning available economic assistance programs offered through any state, quasi-public, public, nonprofit corporation or other entity as deemed necessary. The secretary of business and technology shall also be empowered to adopt rules and regulations regarding expenditures including travel expenses, lines of communication and other activities consistent with these provisions. Marketing and disseminating promotional information to mutual fund service corporations based both within and without the commonwealth. Such information shall include, but not be limited to, details concerning changes in the tax structure of the commonwealth as it affects the mutual fund industry.

SECTION 357. Section 3 of said chapter 23A, as so appearing, is hereby repealed.

SECTION 358. Section 3B of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 3 through 10, the words "director of economic development or his designee who shall serve as co-chairperson; the director of housing and community development or his designee who shall serve as co-chairperson; the director of labor and workforce development or his designee; a representative of MOBD designated by the director of economic development; the deputy director of the department of economic development having oversight responsibility of the Massachusetts office of business development or his designee," and inserting in place thereof the following words:— the secretary of business and technology or his designee who shall serve as co-chairperson; the secretary of housing and community development or his designee who shall serve as co-chairperson; the secretary of labor or his designee; two representatives designated by the secretary of business and technology;.

SECTION 359. Section 3C of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 29, the word "MOBD" and inserting in place thereof the following words:— department of business and technology.

SECTION 360. Section 3C of said chapter 23A, as so appearing, is hereby further amended by striking out the word "director" in line 31 and inserting in place thereof the word:— secretary.

SECTION 361. Section 3C of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 44, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 362. Section 3D of said chapter 23A, as so appearing, is hereby amended by striking out, in line 69, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 363. Section 3E of said chapter 23A, as so appearing, is hereby amended by striking out, in line 132, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 364. Section 3F of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 72 and 73, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 365. Section 3H of said chapter 23A, as so appearing, is hereby amended by striking out, in the first sentence, the words "departments of economic development, housing and community development, labor and workforce development and the office of consumer affairs and business regulation" and inserting in place thereof the following words:— departments of business and technology, housing and community development, labor and consumer and commercial services.

SECTION 366. Section 3H of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 10, the word "MOBD" and inserting in place thereof the following words:— the department of business and technology.

SECTION 367. Section 4 of said chapter 23A, as so appearing, is hereby repealed.

SECTION 368. Section 5 of said chapter 23A, as so appearing, is hereby repealed.

SECTION 369. Section 6 of said chapter 23A, as so appearing, is hereby amended by striking out the phrase "MOBD" in each instance it appears, and inserting in place thereof in each instance, the following:— department of business and technology.

SECTION 370. Section 6 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 371. Said section 6 of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 8, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 372. Said section 6 of said chapter 23A, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 373. Said section 6 of said chapter 23A, as so appearing, is further amended by striking out, in lines 10 and 11, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 374. Section 7 of chapter 23A of the General Laws is hereby repealed.

SECTION 375. Section 8 of chapter 23A of the General Laws is hereby repealed.

SECTION 376. Section 9 of chapter 23A of the General Laws is hereby repealed.

SECTION 377. Section 10A of said chapter 23A, as so appearing, is hereby amended by striking out the phrase "MOBD" in each instance it appears, and inserting in place thereof in each instance, the following:— department of business and technology.

SECTION 378. Section 13 of said chapter 23A, as so appearing, is hereby amended by striking out the phrase "MOBD" in each instance it appears, and inserting in place thereof in each instance, the following:— department of business and technology.

SECTION 379. Section 13A of chapter 23A of the General Laws is hereby repealed.

SECTION 380. Section 13B of chapter 23A of the General Laws is hereby repealed.

SECTION 381. Section 13C of chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first paragraph.

SECTION 382. Said section 13C of said chapter 23A, as so appearing, is hereby further amended by striking out the phrase "MOBD" in each instance it appears, and inserting in place thereof in each instance, the following:— department of business and technology.

SECTION 383. Said section 13C of said chapter 23A, as so appearing, is hereby further amended by striking out, in lines 13, 14, 39, and 40, the words "executive director of tourism in the office of travel and tourism" and inserting in place thereof the following:— secretary of business and technology.

SECTION 384. Said section 13C of said chapter 23A, as so appearing, is hereby further amended by striking out, in lines 15 and 16, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 385. Said section 13C of said chapter 23A, as so appearing, is hereby amended by striking out, in line 42, the words "environmental management" and inserting in place thereof the following:— conservation and recreation.

SECTION 386. Said section 13C of said chapter 23A, as so appearing, is further amended by striking out, in line 51, the words "secretary of economic affairs" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 387. Section 13D of chapter 23A of the General Laws is hereby repealed.

SECTION 388. Section 13E of chapter 23A of the General Laws is hereby repealed.

SECTION 389. Section 14 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 1, the words "office of travel and tourism" and inserting in place thereof the following:— department of business and technology.

SECTION 390. Section 14 of chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by striking out, in lines 17 and 18, the words "The executive director, subject to approval by the director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 391. Said section 14 of said chapter 23A, as so appearing, is hereby further amended by striking out, in lines 35, 38, 42, and 46, the word "tourism" and inserting in place thereof the following:— department of business and technology.

SECTION 392. Said section 14 of said chapter 23A, as so appearing, is further amended by striking out, in lines 55 and 56, the words “director of economic development” and inserting in place thereof the following words:— secretary of business and technology.

SECTION 393. Sections 15 through 23 of chapter 23A of the General Laws are hereby repealed.

SECTION 394. Section 23A of chapter 23A of the General Laws is hereby repealed.

SECTION 395. Section 24 of said chapter 23A, as so appearing, is hereby amended by striking out, in the first sentence, the word “OITI” and inserting in place thereof the following:— department of business and technology.

SECTION 396. Section 24 of said chapter 23A, as so appearing, is hereby further amended by striking out the words “executive director of OITI” in each instance in which they appear in such section and inserting in place thereof the following:— department of business and technology.

SECTION 397. Section 25 of chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “appointed by the executive director of OITI, with the approval of the director of economic development” and inserting in place thereof the following words:— appointed by the secretary of business and technology.

SECTION 398. Section 26 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 2, the words “executive director of OITI is authorized, with the approval of the director of economic development” and inserting in place thereof the following words:— secretary of business and technology is authorized.

SECTION 399. Section 27 of chapter 23A of the General Laws is hereby repealed.

SECTION 400. Section 28 of chapter 23A of the General Laws is hereby repealed.

SECTION 401. Sections 39A, 39B, 39C and 39D of chapter 23A of the General Laws are hereby repealed.

SECTION 402. Section 40 of chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 8, the words "forty-one herein." and inserting in place thereof the following words:— section 1C(d)(3) of chapter 283.

SECTION 403. Said section 40 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 14, the words "Negroes, Puerto Ricans, Spanish-speaking Americans" and inserting in place thereof the following words:— Blacks, Hispanics, Asians.

SECTION 404. Said section 40 of said chapter 23A, as so appearing, is hereby amended by striking out the fifth and sixth paragraphs.

SECTION 405. Sections 41, 42, and 43 of chapter 23A of the General Laws are hereby repealed.

SECTION 406. Subparagraph (2) of section 44 of chapter 23A, of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 6 through 7, the words "executive director of OMWBDE" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 407. Subparagraph (4) of said section 44 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 20 through 21, the words "director of economic development and the OMWBDE executive director" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 408. Said subparagraph (4) of said section 44 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 22, the words "and activities of OMWBDE."

SECTION 409. Section 44 of said chapter 23A, as so appearing, is hereby amended by striking out the word "directors" in line 28 and inserting in place thereof the word:— secretaries.

SECTION 410. Subparagraph (9) of said section 44 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 67 through 68, the words "executive director of OMWBDE and the director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 411. Section 45 of chapter 23A of the General Laws is hereby repealed.

SECTION 412. Sections 46 through 55 of chapter 23A of the General Laws are hereby repealed.

SECTION 413. Section 56 of chapter 23A, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "department of economic development" and inserting in place thereof the following words:— department of business and technology.

SECTION 414. Said section 56 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 17, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 415. Section 57 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 4, the words "Massachusetts office of business development" and inserting in place thereof the following:— department of business and technology.

SECTION 416. Section 59 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 36 and 37, the words "director of economic development" and inserting in place thereof the following words:— secretary of business and technology.

SECTION 417. Section 60 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 4, the words "Massachusetts office of business development" and inserting in place thereof the following:— department of business and technology.

SECTION 418. Section 61 of said chapter 23A, as so appearing, is hereby amended by striking out, in the first sentence, the words "Massachusetts Office of Business Development or its successor, hereinafter referred to as MOBD" and inserting in place thereof the following:— department of business and technology.

SECTION 419. Said section 61 of said chapter 23A, as so appearing, is hereby further amended by striking out the phrase "MOBD" in each instance it appears, and inserting in place thereof in each instance, the following:— department of business and technology.

SECTION 420. Chapter 23B of the General Laws, as so appearing is hereby amended by striking out the title and inserting in place thereof the following title:—

COMMUNITY PROGRAMS.

SECTION 421. Said chapter 23B, as so appearing, is hereby amended by striking out sections 1 through 10A.

SECTION 422. Section 24 of said chapter 23B, as so appearing, is hereby amended by striking out, in lines 7, 54, and 65, each time it appears, the word "director" and inserting in place thereof, in each instance, the following words:— secretary of housing and community development.

SECTION 423. Said section 24 of said chapter 23B, as so appearing, is hereby amended by striking out, in lines 7, 9, 11, 12, 54, 56, 58, 65, 66, 73, 79 through 80, 82, 84 and 87, each time it appears, the word "director" and inserting in place thereof, in each instance, the words:— secretary.

SECTION 424. Section 24B of said chapter 23B, as so appearing, is hereby amended by inserting after the word "department", in line 1, the words:— of housing and community development.

SECTION 425. Section 25 of said chapter 23B, so appearing, is hereby amended by inserting after the word "department", in line 6, the following new paragraph:—

"Department", the department of housing and community development.

SECTION 426. Section 27 of said chapter 23B, as so appearing, is hereby amended by striking out, in line 56, the word "director" and inserting in place thereof the word:— secretary.

SECTION 427. Section 29 of said chapter 23B, as so appearing, is hereby amended by inserting after the word "department", in line 8 and in line 14, in each instance, the words:— of housing and community development.

SECTION 428. Said section 29 of said chapter 23B, as so appearing, is hereby further amended by striking out, in line 25, the word "director" and inserting in place thereof the following words:— secretary of housing and community development.

SECTION 429. Chapter 23C of the General Laws is hereby repealed.

SECTION 430. Chapter 23E of the General Laws is hereby repealed.

SECTION 431. Section 16 of chapter 23G of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 25 and 26, the words "deputy commissioner of capital planning and operations" and inserting in place thereof, the following:— commissioner of the department of capital assets.

SECTION 432. Said section 16 of said chapter 23G, as so appearing, is hereby further amended by striking out, in lines 66 and 67, the words "deputy commissioner of capital planning and operations" and inserting in place thereof, the following:— commissioner of the department of capital assets.

SECTION 433. Section 35 of said chapter 23G, as so appearing, is hereby amended by striking out, in line 54, the words "deputy commissioner of capital planning and operations" and inserting in place thereof the following words:— commissioner of the department of capital assets.

SECTION 434. Said section 35 of said chapter 23G, as so appearing, is hereby further amended by striking out, in lines 57 through 61, the words "deputy commissioner requests that one or more of the directors of the office of programming, office of project management, or office of facilities management review the study or program, or where appropriate, both, and the director or directors certify in writing to said deputy commissioner" and inserting in place thereof, the following:— commissioner determines.

SECTION 435. Said section 35 of said chapter 23G, as so appearing, is hereby further amended by striking out, in lines 66 and 67, the words "deputy commissioner of capital planning and operations" and inserting in place thereof, the following:— commissioner of the department of capital assets.

SECTION 436. Said section 35 of said chapter 23G, as so appearing, is hereby further amended by striking out, in lines 72 through 74, the words "either the director or directors whose review is requested or the deputy commissioner of capital planning and operations should fail to so certify, recommend, or approve, said deputy" and inserting in place thereof the following words:— the commissioner should fail to so certify, recommend or approve, said.

SECTION 437. Chapter 24A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase “office of consumer affairs and business regulation” in each instance it appears, and inserting in place thereof in each instance, the following:— department of consumer and commercial services.

SECTION 438. Said chapter 24A, as so appearing, is hereby amended by striking out the phrase “director” and “office” in each instance it appears, and inserting in place thereof in each instance, respectively, the words “secretary” and “department.”

SECTION 439. Said subsection (b) of section 1 of said chapter 24A, as so appearing, is hereby further amended by inserting before the words “(3) the division”, in line 28, the following word:— and.

SECTION 440. Said subsection (b) of said section 1 of said chapter 24A, as so appearing, is hereby further amended by striking out, in lines 29 and 30, the words “and (4) the division of energy resources established under the provisions of section 1 of chapter 25A”.

SECTION 441. Section 5 of chapter 24A of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 through 15, subparagraph (b) thereof.

SECTION 442. Chapter 25 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase “department of telecommunications and energy” in each instance it appears, and inserting in place thereof in each instance, the following:— division of telecommunications and energy.

SECTION 443. Chapter 25 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase “department” in each instance it appears, and inserting in place thereof in each instance, the following:— division.

SECTION 444. Sections 2, 3, 4, 12E½, and 12F of chapter 25 of the General Laws are hereby repealed.

SECTION 445. Section 12N of chapter 25 of the General Laws is hereby repealed.

SECTION 446. Section 19 of chapter 25 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out in lines 26 and 27, the words “division of energy resources” and inserting in place thereof the following words:— office of energy.

SECTION 447. Said section 19 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 30 and in line 32, the word “division” and inserting in place thereof, in each instance, the following word:— office.

SECTION 448. Subsection (b) of section 20 of said chapter 25, as so appearing, is hereby amended by striking out, in line 25, the words “division of energy resources” and inserting in place thereof the following words:— office of energy.

SECTION 449. Section 1 of said chapter 25A, as so appearing, is hereby further amended by striking out the first paragraph thereof and inserting in place thereof the following two paragraphs:—

The executive office of commonwealth development shall include an office of energy for the purpose of developing, administering, financing, and promoting programs relating to energy security and reliability, energy emergencies, energy conservation and efficiency, climate change prevention, sustainable economic growth, alternative energy development, utility restructuring and the development of competitive energy markets, collection and analysis of price, inventory, product delivery and power source data, energy planning and education, and energy procurement. The office of energy shall coordinate its policies and programs with those of other departments and offices of the executive office of commonwealth development and in a manner consistent with the overall mission of said executive office.

The office shall be under the supervision of a commissioner appointed by the secretary of the executive office for commonwealth development, with the approval of the governor, and may, with like approval, be removed. The commissioner of the office of energy shall possess the experience and skill in the field appropriate to such position. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty of the General Laws and the salary be determined in accordance with section forty-six C of said chapter thirty. The commissioner shall devote full time during business hours to the duties of the office. The duties given to the commissioner in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of the executive office for commonwealth development.

SECTION 450. Section 2 of chapter 25A, as so appearing, is hereby amended by striking out, in lines 1 through 14, each time it appears, the words "division of energy resources" and inserting in place thereof, in each instance, the following words:— office of energy.

SECTION 451. Section 3 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 11, the words "division of energy resources" and inserting in place thereof the following words:— office of energy.

SECTION 452. Section 4 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "energy resources" and inserting in place thereof the following words:— the office of energy.

SECTION 453. Said section 4 of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 3 through 4, the words "department and his".

SECTION 454. Said section 4 of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 12 and 13, the words "department or division affected" and inserting in place thereof the following word:— office.

SECTION 455. Section 5 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 1, the words "energy resources" and inserting in place thereof the following words:— the office of energy.

SECTION 456. Said section 5 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 8, the word "division" and inserting in place thereof the following word:— office.

SECTION 457. Said section 5 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 10, the word "division" and inserting in place thereof the following word:— office.

SECTION 458. Said section 5 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 18, the word "division" and inserting in place thereof the following word:— office.

SECTION 459. Section 6 of said chapter 25A, as so appearing, is hereby amended by inserting before the words "The Division of", in line 1, the following letter:— (a)

SECTION 460. Said section 6 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 1, the words "division of energy resources" and inserting in place thereof the following words:— office of energy.

SECTION 461. Said section 6 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word "shall", in line 2, the following words:— "have the powers and duties as set forth in sections 19 and 20 of chapter 25, chapter 25A, chapter 25B, clause 33 of paragraph (b) of section 1 of chapter 30B, Section 4E of chapter 40J, sections 1F and 134 of chapter 164 of the General Laws, and sections 2-1, 2-3, 2-6, 2-7, and 2-8 of chapter 164 appendix to the General Laws, and:".

SECTION 462. Said section 6 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 35, the word "and".

SECTION 463. Said section 6 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 39, the words "of chapter 164;" and inserting in place thereof the following:— of chapter 164;.

SECTION 464. Said section 6 of said chapter 25A, as so appearing, is hereby further amended by inserting, after line 39, the following:—

(13) acting on its own behalf or on behalf of those consumers of the commonwealth required to pay the mandatory charge pursuant to section 19 or 20 of chapter 25, apply for, receive, retain, redeem, sell or transfer energy conservation credits, renewable energy credits, emissions credits, and energy reduction allowances available under the federal Clean Air Act, other federal environmental or energy statutes, including but not limited to authorized or delegated state programs, and other federal or state agreements, grants or programs established to promote renewable energy, energy conservation, or the reduction of greenhouse gases and/or acid rain. The office shall retain, manage, and account for all funds received through the redemption or sale of such credits and allowances in the office of energy Credit Trust, in accordance with section eleven H of this chapter.

(14) conduct, or cause to be conducted auctions at which certificates produced pursuant to renewable energy portfolio standards shall be purchased or offered for sale.

Section 6B. (1) The office of energy shall include a division of energy resources for the purpose of overseeing such matters as the commissioner may so assign, including but not limited to: energy reliability and emergency planning; power supply infrastructure; energy market development; and renewable energy development.

(2) The office of energy shall include a division of climate change prevention for the purpose of overseeing programs and policies as the director may so assign, including but not limited to: energy efficiency programs; building and appliance codes; alternative vehicles and fuels; and transportation infrastructure.

(3) The office of energy shall include a division of fuel purchasing for the purpose of acquiring, securing or otherwise obtaining electricity, natural gas, renewable fuels, and heating oil and providing technical assistance to other state agencies, offices, and departments for such acquisitions. Said acquisitions may include other sources of energy and energy technologies as the commissioner may so determine.

SECTION 465. Section 7 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 1, 21, 22 and 29, each time they appear, the words "division of energy resources" and inserting in place thereof, in each instance, the following words:— office of energy.

SECTION 466. Said section 7 of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 8, 22, 30, 32, 39, and 50, each time it appears, the word "division" and inserting in place thereof in each instance, the word:— office.

SECTION 467. Section 8 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 12, the words "division of energy resources" and inserting in place thereof the following words:— office of energy.

SECTION 468. Section 9 of said chapter 25A, as so appearing, is hereby amended by inserting, before the word "office", in line 1, the following word:— executive.

SECTION 469. Said section 9 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 2, the words "energy resources" and inserting in place thereof the following words:— the office of energy.

SECTION 470. Said section 9 of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words "division energy resources" and inserting in place thereof the following words:— office of energy.

SECTION 471. Section 11A of said chapter 25A, as so appearing, is hereby amended by striking the out, in line 1 and in line 15, the words "energy resources" and inserting in place thereof, in each instance, the following words:— the office of energy.

SECTION 472. Section 11C of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 8, 118, 119, 130, 131, 139, 145, 146, 150, each time they appear, the words "commissioner of energy resources" and inserting in place thereof, in each instance, the following words:— commissioner of the office of energy.

SECTION 473. Said section 11C of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 128, the word "director" and inserting in place thereof the word:— secretary.

SECTION 474. Said section 11C of chapter 25A, as so appearing, is hereby further amended by striking out, in line 135, the words "commissioner of energy" and inserting in place thereof the following words:— commissioner of the office of energy.

SECTION 475. Section 11D of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 25, 39, 44, 45, 52, 56, 60, and 62, each time it appears, the word "division" and inserting in place thereof the following word:— office.

SECTION 476. Said section 11E of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 1, the words "division of energy resources" and inserting in place thereof the following word:— office of energy.

SECTION 477. Said section 11E of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 3, 4, 7, 9, 13, 16, 20, 23, and 45, each time it appears, the word "division" and inserting in place thereof, in each instance, the following word:— office.

SECTION 478. Section 11F of said chapter 25A, as so appearing, is hereby amended by striking out, in line 1 and in line 17, the words "division of energy resources" and inserting in place thereof the following words:— office of energy.

SECTION 479. Said section 11F of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 4, 35, 37, and 38, each time it appears, the word "division" and inserting in place thereof, in each instance, the word:— office.

SECTION 480. Section 11G of said chapter 25A, as so appearing, is hereby amended by striking out, in line 1 and in line 11, the words "division of energy resources" and inserting in place thereof, in each instance, the following words:— office of energy.

SECTION 481. Said section 11G of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 3, 16, 17 and 19, each time it appears, the word "division" and inserting in place thereof, in each instance, the word:— office.

SECTION 482. Chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after section 11G thereof the following new section:—

Section 11H. Credit Trust; retention and sale of allowances and credits; fees.

(1) Notwithstanding any general or special law to the contrary and as provided by paragraph thirteen of section six of this chapter, the office may apply for, receive, retain, redeem, sell or transfer any energy conservation credits, renewable energy credits, emissions credits, or energy reduction allowances earned or received on behalf of the commonwealth or on behalf of consumers of the commonwealth required to pay the mandatory charge pursuant to section 19 or 20 of chapter 25, including but

not limited to allowances awarded commencing in fiscal year 2003 through the public benefit set-aside provisions of the NOx Allowance Trading Program implemented by the Department of Environmental Protection. There is hereby established upon the books of the commonwealth a trust to be known as the Office of Energy Credit Trust upon which shall be impressed the purposes of financing activities undertaken by the office related to the development, oversight, and implementation of programs for energy efficiency, energy conservation, renewable energy, climate change, demand reduction, and natural resource preservation and enhancement programs. Any unexpended balance in the Trust at the close of a fiscal year shall remain in the Trust and shall be available for expenditure in the following fiscal year.

(2) Upon request by any governmental or non-governmental entity, the office may provide technical assistance, compliance review or aggregation of energy efficiency projects or renewable energy projects for the purpose of filing applications for NOx Allowances on behalf of such entity. The office shall, by regulation, establish a schedule of fees, based on the office's cost for providing such services. Such fees shall be payable upon filing by the office an application for such NOx Allowances with the Department of Environmental Protection.

SECTION 483. Section 2 of chapter 25B of the General Laws, as so appearing, is hereby amended by striking the words "division of energy resources" in line 3, and inserting in place thereof the following words:— office of energy.

SECTION 484. Sections 1 through 5A, 6, 8A, 8B, and 8I of chapter 26 of the General Laws are hereby repealed.

SECTION 485. Section 7 of said chapter 26 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first, second, and third sentences.

SECTION 486. Said section 7 of said chapter 26, as so appearing, is hereby further amended by striking out, in lines 10 through 12, the words "Such deputies, research analyst, examiners, actuaries, inspectors, clerks and other assistants shall perform such duties as the commissioner may prescribe; provided, that any" and inserting in place thereof the following word:— Any.

SECTION 487. Said section 7 of said chapter 26, as so appearing, is hereby further amended by inserting after the words "person other than the commissioner", in line 14, the following words:— of insurance.

SECTION 488. Section 8E of said chapter 26 of the General Laws is hereby repealed.

SECTION 489. Section 8G of chapter 26 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first, second, third and fourth paragraphs.

SECTION 490. Said section 8G of said chapter 26, as so appearing, is hereby further amended by inserting, in line 22, before the word "board" the following words:— auto damage appraiser licensing.

SECTION 491. Said section 8G of said chapter 26, as so appearing, is hereby further amended by inserting after the words "section", in line 24, the following words:— and section 7L of chapter 6C.

SECTION 492. Section 8H of said chapter 26, as so appearing, is hereby amended by striking out, in line 7, the words "under this section".

SECTION 493. Said section 8H of said chapter 26, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 494. Chapter 28 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the term "Metropolitan District Commission" in the chapter title and inserting in place thereof the following:— Metropolitan Park Service.

SECTION 495. Section 1 of chapter 28 of the General Laws is hereby repealed.

SECTION 496. Section 2 of chapter 28 of the General Laws is hereby repealed.

SECTION 497. Section 3 of chapter 28 of the General Laws is hereby repealed.

SECTION 498. Section 4 of chapter 28 of the General Laws is hereby repealed.

SECTION 499. Section 4A of chapter 28 of the General Laws is hereby repealed.

SECTION 500. Section 4B of chapter 28 of the General Laws is hereby repealed.

SECTION 501. Section 4C of chapter 28 of the General Laws is hereby repealed.

SECTION 502. Section 7 of chapter 28 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 5 through 6, 7, 17, and 27, each time they appear, the words "metropolitan district commission" and inserting in place thereof, in each instance, the following:— division of conservation and recreation.

SECTION 503. Section 8 of said chapter 28, as so appearing, is hereby amended by striking out, in line 2, the words "metropolitan district commission" and inserting in place thereof the following:— bureau of watershed management in the division of conservation and recreation.

SECTION 504. Said section 8 of said chapter 28, as so appearing, is hereby further amended by striking out, in line 3, the words "the commissioner of the metropolitan district commission".

SECTION 505. Said section 8 of said chapter 28, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 506. Said section 8 of said chapter 28, as so appearing, is hereby further amended by striking out, in lines 12 and 13, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 507. Section 9 of said chapter 28, so appearing, is hereby amended by striking out, in line 1, the term "commissioner of environmental management" and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 508. Chapter 28A of the General Laws, as so appearing, is hereby amended by striking out the words "day care" in each instance in which they appear, and inserting in place thereof, in each instance, the following words:— child care.

SECTION 509. Section 1 of chapter 28A, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 510. Section 2 of chapter 28A, as appearing in the 2000 Official Edition, is hereby amended by inserting, at the end of line 21, the phrase:— as established pursuant to section 9G of chapter 6C.

SECTION 511. Section 3 of said chapter 28A, as so appearing, is hereby amended by striking out lines 1 through 18.

SECTION 512. Said section 3 of said chapter 28A, as so appearing, is hereby further amended by striking out lines 35 through 37.

SECTION 513. Section 5 of said chapter 28A, as so appearing, is hereby amended by inserting before the words "and related services", in line 4, the following words:— Head Start.

SECTION 514. Section 5A of chapter 28A of the General Laws is hereby repealed.

SECTION 515. Section 6 of chapter 28A of the General Laws is hereby repealed.

SECTION 516. Section 8 of chapter 28A of the General Laws is hereby repealed.

SECTION 517. Section 9 of chapter 28A of the General Laws is hereby amended by striking out, in line 14, the phrase "under seven years of age" and inserting in place thereof the phrase:— up to and through age twelve.

SECTION 518. Section 10 of chapter 28A, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 6-7, 21-22, 36 and 81, the words "which are not part of a family day care system".

SECTION 519. Section 11 of chapter 28A, as so appearing, is hereby amended by striking out lines 5-7.

SECTION 520. Section 13 of chapter 28A, as so appearing, is hereby amended by striking out lines 19 through 24.

SECTION 521. Chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "commissioner of administration" or the word "commissioner" when used in reference to the commissioner of administration, in each instance in which they appear, and inserting in place thereof, the following:— the secretary of administration and finance.

SECTION 522. Section 2F of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in lines 30 through 34, the words "requests that one or more of the directors of the office of programming, office of project management, or the office of facilities management review the project proposal, and the director or directors certify in writing to the commissioner of capital asset management and maintenance" and inserting in place thereof, the following word:— determines.

SECTION 523. Said section 2F of said chapter 29, as so appearing, is hereby further amended by striking out, in lines 46 and 47, the words "those of the director or directors whose review is requested and" inserting in place thereof, the following words:— that of.

SECTION 524. Said section 2F of said chapter 29, as so appearing, is hereby further amended by striking out, in line 50, the words "either the director or directors whose review is requested or".

SECTION 525. Section 2T of said chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 through 7, the words "the commissioner of the metropolitan district commission" and inserting in place thereof the following:— the commissioner of conservation and recreation.

SECTION 526. Said section 2T of said chapter 29, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "metropolitan district commission's division of watershed management" and inserting in place thereof the following:— division of conservation and recreation's bureau of watershed management.

SECTION 527. Said section 2T of said chapter 29, as so appearing, is hereby amended by striking out, in line 26 and in line 30, the words "division of watershed management" and inserting in place thereof the following:— bureau of watershed management.

SECTION 528. Section 2EE of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 7 and line 13, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 529. Said section 2EE of said chapter 29, as so appearing, is hereby further amended and by striking out, in lines 8 and 9, the words "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 530. Said chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after section 2III the following section:—

Section 2JJJ. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Waterways Program Fund to be expended by the office of coastal zone management. There shall be credited to such fund all monies for fees, mitigation or other revenue received by the Commonwealth under chapter 91 of the General Laws or consistent special act, including wharfing statutes, so called; any monies for a fine or penalty, not designated by law for other purposes, settlement, or judgment relative to any action or other matter concerning said chapter 91; and the income generated upon said monies. The fund may also receive funds as may be appropriated from time to time, as well as gifts, grants or contributions of money for any source, either public or private, to be expended within the purposes of the fund. Amounts credited to said fund shall be available to the office of coastal zone management, without further appropriation, for the purposes of funding the activities of the Waterways Program under said chapter 91, including, but not limited to, costs of personnel, research, administration of studies, monitoring, investigation, prosecution or defense of claims, and enforcement of said chapter 91.

SECTION 531. Section 7D of said chapter 29, as so appearing, is hereby amended by striking out, in lines 23 through 26, the words "the director of the bureau of programming, director of the office of project management or the director of the office of facilities management, as said commissioner of capital asset management and maintenance directs, shall report to him as to" and inserting in place thereof, the following words:— commissioner shall determine.

SECTION 532. Section 7K of said chapter 29, as so appearing, is hereby amended by striking out, in lines 21 through 25, the words "requests that one or more of the directors of the office of programming, office of project management, or office of facilities management review the study or program, or where appropriate, both, and the director or directors certify in writing to the commissioner," and inserting in place thereof, the following:— determines.

SECTION 533. Said section 7K of said chapter 29, as so appearing, is hereby further amended by striking out, in line 37, the words "either the director or directors whose review is requested or".

SECTION 534. Said chapter 29 is hereby amended by striking out, section 8B, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:—

Section 8B. The commissioner of the division of public works or the commissioner of the division of conservation and recreation shall require that any person proposing to bid on any work, excepting the construction, reconstruction, repair or alteration of buildings, to be awarded by either division, and the commissioner of public works shall require that any person proposing to bid on any such work to be awarded by a municipality under section thirty-four of chapter ninety, submit a statement under the penalties of perjury setting forth his qualifications to perform such work. Such statement shall be in such detail and form and shall be submitted at such times as such commissioner may prescribe under rules promulgated by said division, respectively, subject to the requirements of chapter thirty A. Such rules may require such information as may be necessary to implement this section and may establish a basis for the classification and maximum capacity rating of bidders which shall determine the class and aggregate amount of work such bidders are qualified to perform. The statement shall set forth, among other matters that may be prescribed by the rules, the proposed bidders's financial resources, his current bonding capacity, his experience, the number and kinds of equipment which he has for use on such work, and the number, size and completion dates of other construction jobs, whether in this state or another state, which he has under contract. The information contained within such statement, together with other relevant available information and the proposed bidder's past performance on work of a similar nature, may be considered by said division in determining whether or not the proposed bidder is qualified to perform any specific work for which proposals to bid are invited.

Based on information received and available and on past performance of the prospective bidder on work of a similar nature, each such commissioner, acting through a prequalification committee consisting of engineering personnel of said department or commission, respectively, to be appointed by him, shall determine the class and aggregate amount of work that a prospective bidder is qualified to perform, and shall limit a proposed bidder to such class and aggregate amount of work as he may be qualified to perform. Said aggregate amount of work shall not be less than the amount of the bidder's current bonding capacity, as verified to the commissioner's satisfaction, by a surety company incorporated pursuant to section one hundred and five of chapter one hundred and seventy-five, or authorized to do business in the commonwealth under section one hundred and six of said chapter one hundred and seventy-five, and satisfactory to the commissioner. Said division shall limit the bid proposals to be furnished to a prospective bidder to such bidders as are determined by its commissioner to have the classification and capacity rating to perform the work required.

Any such statement filed with either such commissioner by a prospective bidder shall be confidential, and shall be used only by the respective division, as the case may be, in determining the qualifications of such prospective bidder to perform work for said division, or for a municipality under the provisions of said section thirty-four. No information contained in such statement shall be imparted to any other person without the written consent of said bidder.

If any prospective bidder fails to file the statement required by this section, or if, in the judgment of the respective commissioner, the prospective bidder is not qualified to carry out the work required under a contract which is proposed to be awarded, said commissioner shall refuse to furnish such prospective bidder with bid proposals for such work and shall reject any bid by such prospective bidder for such work.

Only persons filing the statement required herein shall be authorized as prime contractors and then only as to the class and aggregate amount of work that their qualifications warrant.

Any bidder qualified as authorized herein shall be promptly notified by the commissioner.

Any prospective bidder who is aggrieved by any decision or determination of the prequalification committee or the commissioner which affects his right to bid may file a new application for qualification at any time, or within fifteen days after receiving notice of such decision the applicant may request in writing a hearing before an appeal board to reconsider his application or qualifications. The appeal board in the division of public works shall consist of the commissioner, and such other senior staff as he shall designate and the appeal board in the division of conservation and recreation shall consist of the commissioner, and such other senior staff as he shall designate.

Any bidder or prospective bidder who so requests shall be granted a hearing by such appeal board at which he may submit any and all additional information or evidence bearing upon his finances, current bonding capacity, experience or other qualifications which may be relevant thereto. Such hearing shall be held without delay and the board shall promptly render its decision after taking into consideration all relevant information or evidence submitted relating to the bidder's qualifications. The appeal board may modify, amend or reverse any previous decision of the prequalification committee or the commissioner with respect to the qualification of the applicant or may sustain such previous decision. Such hearing shall be deemed to be an adjudicatory proceeding, and any bidder or prospective bidder who is aggrieved by the decision of the appeal board shall have a right to judicial review under the applicable provisions of said chapter thirty A.

The commissioner of public works or the commissioner of conservation and recreation shall not consider any bid filed with him by any person for any contract to be awarded by said division, respectively, who has not been qualified as required by the rules promulgated by said division, and any such bid of any unqualified bidder may be rejected without being opened. No contract shall be awarded to any bidder not qualified to bid thereon at the time fixed for receiving bids.

Any person, firm or corporation who knowingly and willfully makes, or causes to be made, any false or fraudulent statement in any application for qualification filed with such division as required herein shall, upon final conviction, be disqualified from submitting bids on contracts advertised by the division for a period of one year following the date of said conviction.

This section shall not apply to any prospective bidder the aggregate amount of whose work with said division of public works or with said division of conservation and recreation, including the amount of his proposal, is less than fifty thousand dollars.

SECTION 535. Section 8C of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 10, the words "the metropolitan district commission," and inserting in place thereof the following:— division of conservation and recreation.

SECTION 536. Section 2EE of chapter 29 of the General Laws, as so appearing, is hereby amended in line 1, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 537. Said section 2EE of said chapter 29, as so appearing, is hereby further amended by striking out, in lines 9 through 11, the words "and also including as employed in the performance of its water function those employed by the metropolitan district water supply commission".

SECTION 538. Said section 2EE of said chapter 29, as so appearing, is hereby further amended by striking out, in lines 18 and 19, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 539. Section 1 of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words “the metropolitan district commission,” and inserting in place thereof the following:— division of conservation and recreation.

SECTION 540. Section 45 of said chapter 30, as so appearing, is hereby amended by striking out, in the first sentence, the words “personnel administrator” and inserting in place thereof the following:— Chief human resources officer.

SECTION 541. Section 45(1) of said chapter 30, as so appearing, is hereby amended by striking out, in the second paragraph, the word “administrator” and inserting in place thereof the word:— officer.

SECTION 542. Section 45(2) of said chapter 30, as so appearing, is hereby amended by striking out, in the second sentence, the word “administrator” and inserting in place thereof the words:— Chief human resources officer.

SECTION 543. Said section 45(2) of said chapter 30, as so appearing, is hereby further amended by striking out, in the third sentence, the word “administrator” and inserting in place thereof the word:— officer.

SECTION 544. Section 45(3) of said chapter 30, as so appearing, is hereby amended by striking out, in the first sentence, the words “personnel administrator” and inserting in place thereof the words:— Chief human resources officer.

SECTION 545. Said section 45(3) of said chapter 30, as so appearing, is hereby further amended by striking out, in the second sentence, the word “administrator” and inserting in place thereof the word:— officer.

SECTION 546. Section 45(5) of said chapter 30, as so appearing, is hereby amended by striking out, in the first sentence, the word “personnel administrator” and inserting in place thereof the words:— Chief human resources officer.

SECTION 547. Said section 45(1) of said chapter 30, as so appearing, is hereby further amended by striking out, in the second sentence, the word “division of personnel administration” and inserting in place thereof the word:— department of human resources.

SECTION 548. Section 45(6) of said chapter 30, as so appearing, is hereby amended by striking out, in the first sentence, the word “personnel administrator” and inserting in place thereof the words:— Chief human resources officer.

SECTION 549. Section 49 of said chapter 30, as so appearing, is hereby amended by striking out, in the first sentence of the first paragraph, the word “personnel administrator” and inserting in place thereof the words:— chief human resources officer.

SECTION 550. Said section 49 of said chapter 30, as so appearing, is hereby further amended by striking out, in the second sentence of the first paragraph, the words “personnel administrator” and inserting in place thereof the words:— chief human resources officer.

SECTION 551. Said section 49 of said chapter 30, as so appearing, is hereby further amended by striking out, in the third sentence of first paragraph, the words “personnel administrator” and inserting in place thereof the words:— chief human resources officer.

SECTION 552. Section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended by striking out, in line 97, the words “division of energy resources” and inserting in place thereof the following words:— office of energy.

SECTION 553. Section 48 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out in line 5, the words “metropolitan district commission” and inserting in place thereof the following:— division of conservation and recreation.

SECTION 554. Said section 48 of said chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in line 16 and in line 17, the words “department of environmental management” and inserting in place thereof, in each instance, the following:— division of conservation and recreation.

SECTION 555. Section 62 of said chapter 31, as so appearing, is hereby amended by striking out, in line 33, the words “or the metropolitan district commission”.

SECTION 556. Chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase “group insurance commission” or the word “commission” when used in reference to the group insurance commission, in each instance in which they appear, and inserting in place thereof, the following:— division of group benefits.

SECTION 557. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 136, the words “, except the metropolitan district commission”.

SECTION 558. Said section 1 of chapter 32, as so appearing, is hereby further amended and by striking out, in lines 151 and 152, the words “or the metropolitan district commission, as the case may be”.

SECTION 559. Section 2 of said chapter 32, as so appearing, is hereby amended by striking out, in line 17, the words “or the metropolitan district commission”.

SECTION 560. Section 4 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 32 and 33, the words “or by the metropolitan district commission”.

SECTION 561. Section 25 of said chapter 32, as so appearing, is hereby amended by striking out, in line 78, the words “or metropolitan district commission,”.

SECTION 562. Section 89A of said chapter 32, as so appearing, is hereby amended by striking out, in line 99 and in line 108, the words ", or of the metropolitan district commission," and inserting in place thereof, in each instance, the following:— division of conservation and recreation.

SECTION 563. Section 100 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 81 and 82, the words "or the metropolitan district commission".

SECTION 564. Section 25 of chapter 34 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 7, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 565. Section 11 of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 566. Section 32B of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in line 25, the word "director" and inserting in place thereof the word:— secretary.

SECTION 567. Section 54A of chapter 40 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 7-8, the words "executive office of transportation and construction" and inserting in place thereof the following:— department of transportation.

SECTION 568. Section 59 of said chapter 40, as so appearing, is hereby amended by striking out, in line 5, the word "director" and inserting in place thereof the word:— secretary.

SECTION 569. Section 20 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out, in line 41, the words "the metropolitan district commission".

SECTION 570. Section 24 of said chapter 40B, as so appearing, is hereby amended by striking out, in lines 14 and 15, the words “metropolitan district commission” and inserting in place thereof the following:— division of conservation and recreation.

SECTION 571. Said section 24 of said chapter 40B, as so appearing, is hereby further amended by striking out, in lines 18 and 19, words “the commissioner of environmental management,”.

SECTION 572. Said section 24 of said chapter 40B, as so appearing, is hereby amended by striking out, in line 17, the word “director” and inserting in place thereof in each instance the word:— secretary.

SECTION 573. Section 3 of chapter 40C of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the word “director” and inserting in place thereof in each instance the word:— secretary.

SECTION 574. Said section 3 of said chapter 40C of the General Laws, as so appearing, is hereby further amended by striking out, in lines 17 and 18, the words:— “environmental management” and inserting in place thereof the following:— conservation and recreation.

SECTION 575. Section 12 of chapter 40D of the General Laws, as so appearing, is hereby amended by striking out, in line 71 and line 81, the word “director” and inserting in place thereof in each instance the word:— secretary.

SECTION 576. Subsection (d) of section 4E of chapter 40J of the General Laws, as so appearing, is hereby amended by striking out, in line 75, and lines 105 and 106, the words “division of energy resources” and inserting in place thereof the following words:— office of energy.

SECTION 577. Section 3 of chapter 40O of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the word "director" and inserting in place thereof the word:— secretary.

SECTION 578. Section 8 of chapter 40N of the General Laws, as so appearing, is hereby amended by striking out, in lines 68 and 69, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 579. Section 8 of chapter 40N of the General Laws, as so appearing, is hereby further amended by striking out, in lines 69 and 70, the words "department or commission" and inserting in place thereof the following:— divisions.

SECTION 580. Section 69G of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in lines 14 and 15, the words "environmental management" and inserting in place thereof the following:— conservation and recreation.

SECTION 581. Section 71 of said chapter 41, as so appearing, is hereby amended by striking out, in line 5, the word "director" and inserting in place thereof the word:— secretary.

SECTION 582. Section 6 of chapter 43B of the General Laws, as so appearing, is hereby amended by striking out, in lines 15 and 16, each time it appears, the word "director" and inserting in place thereof in each instance the word:— secretary.

SECTION 583. Section 12 of said chapter 43B, as so appearing, is hereby amended by striking out, in line 6, the word "director" and inserting in place thereof the word:— secretary.

SECTION 584. Said section 12 of said chapter 43C, as so appearing, is hereby further amended by striking out, in line 23, the word "director" and inserting in place thereof the word:— secretary.

SECTION 585. Section 8 of chapter 44 of the General Laws, as so appearing, is hereby amended by striking out, in line 44, the word "director" and by inserting in place thereof the word:— secretary.

SECTION 586. Section 17 of chapter 45 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 587. Section 8 of chapter 48 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "environmental management" and inserting in place thereof the following:— conservation and recreation.

SECTION 588. Section 16 of said chapter 48, as so appearing, is hereby amended by striking out, in line 34, the words "director of the division of forests and parks" and inserting in place thereof the following:— director of the bureau of parks and recreation management.

SECTION 589. Section 28 of said chapter 48, as so appearing, is hereby amended by striking out, in line 9, the words "environmental management" and inserting in place thereof the following:— conservation and recreation.

SECTION 590. Section 28C of said chapter 48, as so appearing, is hereby amended by striking out, in line 1, the words "director of the division of forests and parks" and inserting in place thereof the following:— director of the bureau of parks and recreation management.

SECTION 591. Section 13 of chapter 58 of the General Laws, as so appearing, is hereby amended by striking out, in lines 14 and 15, and in line 36, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 592. Section 15 of said chapter 58, as so appearing, is hereby amended by striking out, in line 18, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 593. Section 17C of said chapter 58, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 594. Said section 17C of said chapter 58, as so appearing, is hereby further amended by striking out, in line 8, the words "the metropolitan district commission and" and inserting in place thereof the following:— bureau of watershed management of the division of conservation and recreation.

SECTION 595. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 596. Said section 5 of said chapter 59,as so appearing, is hereby further amended by striking out, in lines 28 and 29, the words "environmental management" and inserting in place thereof the following:— conservation and recreation.

SECTION 597. Section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 1191 to 1194, the words "division of water pollution control of the director of the air pollution control agency of the commonwealth" and inserting in place thereof the following:— division of environmental protection.

SECTION 598. Section 5D of said chapter 59, as so appearing, is hereby amended by striking out, in lines 2 through 3, 17 and 34, each time it appears, the word "division" and inserting in place thereof, in each instance, the following:— bureau.

SECTION 599. Said section 5D of said chapter 59, as so appearing, is hereby further amended by striking out, in line 3, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 600. Said section 5D of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 17, 18 and 34, each time it appears, the word "commission" and inserting in place thereof, in each instance, the following:— division.

SECTION 601. Section 5E of said chapter 59, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "division of watershed management of the metropolitan district commission" and inserting in place thereof the following:— bureau of watershed management of the division of conservation and recreation.

SECTION 602. Section 5F of said chapter 59, as so appearing, is hereby amended by striking out, in lines 3, 40 and 41, and 49, the word "division" and inserting in place thereof, in each instance, the following:— bureau.

SECTION 603. Said section 5F of said chapter 59, as so appearing, is hereby further amended by striking out, in line 42 and lines 49 through 50, each time they appear, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 604. Section 5G of said chapter 59, as so appearing, is hereby amended by striking out, in lines 2, 32, 39 and 50, each time it appears, the word "division" and inserting in place thereof, in each instance, the following:— bureau.

SECTION 605. Said section 5G of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 13 and 17, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 606. Section 20A of said chapter 59, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "including the metropolitan district commission,".

SECTION 607. Section 1 of chapter 61 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 33 and 34, the words "department of environmental management" and inserting in place thereof the following words:— division of agriculture and working resources within the department of environment.

SECTION 608. Section 2 of said chapter 61, as so appearing, is hereby amended by striking out, in lines 26 and 27, the words "department of environmental management" and inserting in place thereof the following words:— division of agriculture and working resources within the department of environment.

SECTION 609. Section 11 of chapter 61A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "director" and inserting in place thereof the word:— secretary.

SECTION 610. Section 21 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in lines 103 and 104, and in line 107, the word "director" and inserting in place thereof in each instance the following word:— secretary.

SECTION 611. Section 3 of chapter 62E of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, the word "director" and inserting in place thereof the following word:— secretary.

SECTION 612. Section 31C of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 120, the word "director" and inserting in place thereof the word:— secretary.

SECTION 613. Section 1A of chapter 69, as appearing in the 2000 Official Edition, is hereby amended by inserting, in line 1, after the words “there shall be”:— , within the executive office for education.

SECTION 614. Section 1 of said chapter 81, as so appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1, the words “department of highways”, and inserting in place thereof the words:— division of public works.

SECTION 615. Section 1 of said chapter 81, as so appearing, is hereby amended by striking out, in line 1, the word “department” and inserting in place thereof the following word:— division.

SECTION 616. Section 2 of said chapter 81, as so appearing, is hereby amended by striking out, in line 3, the word “department” and inserting in place thereof the following word:— division.

SECTION 617. Section 3 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 2, 3, 9, 12, and 16, the word “department” and inserting in place thereof the following word:— division.

SECTION 618. Section 4 of said chapter 81, as so appearing, is hereby amended by striking out, in line 5, the word “department” and inserting in place thereof the following word:— division.

SECTION 619. Section 5 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 12, 15, and 19, the word “department” and inserting in place thereof the following word:— division.

SECTION 620. Section 6 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1 and 2, the word “department” and inserting in place thereof the following word:— division.

SECTION 621. Section 7 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 2 and 12, the word “department” and inserting in place thereof the following word:— division.

SECTION 622. Section 7A of said chapter 81, as so appearing, is hereby amended by striking out, in lines 2, 6, 15, and 19, the word "department" and inserting in place thereof the following word:— division.

SECTION 623. Section 7B of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1 and 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 624. Section 7C of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 16, 18, 23, 32, 33, 34, 37, 40, and 42, the word "department" and inserting in place thereof the following word:— division.

SECTION 625. Section 7D of said chapter 81, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 626. Section 7E of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 2, 4, 6, 15, 16, 20, 25, 26, 30, and 34, the word "department" and inserting in place thereof the following word:— division.

SECTION 627. Section 7F of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 4, and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 628. Section 7G of said chapter 81, as so appearing, is hereby amended by striking out, in lines 2, 4, 5, and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 629. Section 7H of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 7, and 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 630. Section 7I of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 5, and 14, the word "department" and inserting in place thereof the following word:— division.

SECTION 631. Section 7J of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 2, 10, 12, 13, 14, 16, 20, 21, 22, 23, 24, 25, and 27, the word "department" and inserting in place thereof the following word:— division.

SECTION 632. Section 7K of said chapter 81, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following word:— division.

SECTION 633. Section 7L of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 4, 7, 9, 31, 38, and 44, the word "department" and inserting in place thereof the following word:— division.

SECTION 634. Section 7M of said chapter 81, as so appearing, is hereby amended by striking out, in lines 7, 11, and 14, the word "department" and inserting in place thereof the following word:— division.

SECTION 635. Section 8 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 10, 11, 15, and 17, the word "department" and inserting in place thereof the following word:— division.

SECTION 636. Section 8A of said chapter 81, as so appearing, is hereby amended by striking out, in lines 2 and 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 637. Section 10 of said chapter 81, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 638. Section 11 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 6, and 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 639. Section 12 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1 and 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 640. Section 13 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 2, 3, 8, 9, 11, and 12, the word "department" and inserting in place thereof the following word:— division.

SECTION 641. Section 13A of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1 and 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 642. Section 13B of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 643. Section 14 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 6 and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 644. Section 15 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 645. Section 18 of said chapter 81, as so appearing, is hereby amended by striking out, in line 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 646. Section 19 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 2, 5, and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 647. Section 20 of said chapter 81, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 648. Section 20A of said chapter 81, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 649. Section 21 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 5, 14, 16, 19, 21, 22, 30, 37, 41, 44, and 53, the word "department" and inserting in place thereof the following word:— division.

SECTION 650. Section 22 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 6, 8, and 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 651. Section 24 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1 and 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 652. Section 25 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 17, 20 and 26, the word "department" and inserting in place thereof the following word:— division.

SECTION 653. Section 26 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 32, 33, 35, 38, 39 and 44, the word "department" and inserting in place thereof the following word:— division.

SECTION 654. Said Section 26A of said chapter 81, as so appearing, is hereby amended by striking out, in lines 5 and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 655. Said Section 27 of said chapter 81, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 656. Said Section 28 of said chapter 81, as so appearing, is hereby amended by striking out, in lines 1, 3, 6, and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 657. Said Section 29 of said chapter 81, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 658. Said Section 29A of said chapter 81, as so appearing, is hereby amended by striking out, in lines, 1, 6, 8, 10 and 15, the word "department" and inserting in place thereof the following word:— division.

SECTION 659. Said Section 30 of said chapter 81, as so appearing, is hereby amended by striking out, in lines, 1, 21 and 28, the word "department" and inserting in place thereof the following word:— division.

SECTION 660. Section 1 of chapter 85 of the General Laws, as so appearing, is hereby amended by striking out the term "metropolitan district commission" in line 3 and inserting in place thereof the following:— division of conservation and recreation.

SECTION 661. Section 14 of chapter 88 of the General Laws, as so appearing, is hereby amended by striking out, in lines 20 and 21, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 662. Section 14 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in lines 69, 70, and 71, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 663. Section 18 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words "metropolitan district commission or of the department of the department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 664. Section 18A of said chapter 90, as so appearing, is hereby amended by striking out, in lines 2, 3, and 4, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 665. Section 31A of said chapter 90, as so appearing, is hereby amended by striking out, in line 5, the term "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 666. Section 34 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 76 and 77, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 667. Section 35 of said chapter 90, as so appearing in the 2000 Official Edition, is hereby amended by striking out, in subsection (m), the word "commission" and inserting in place thereof the word:— division.

SECTION 668. Section 35B of said chapter 90, as so appearing, is hereby amended by striking out, in line 4, the word "commission" and inserting in place thereof the following word:— division.

SECTION 669. Section 35D of said chapter 90, as so appearing, is hereby amended by striking out, in line 10, the word "commission" and inserting in place thereof the following word:— division.

SECTION 670. Section 39 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 1, 3, 4, 12, 22, and 29, the word "commission" and inserting in place thereof the following word:— division.

SECTION 671. Section 39A of said chapter 90, as so appearing, is hereby amended by striking out, in lines 1, 4, 12, 15, and 18, the word "commission" and inserting in place thereof the following word:— division.

SECTION 672. Section 39B of said chapter 90, as so appearing, is hereby amended by striking out, in lines 4, 9, 10, 19, 23, 32, 40, and 41, the word "commission" and inserting in place thereof the following word:— division.

SECTION 673. Section 39C of said chapter 90, as so appearing, is hereby amended by striking out, in lines 1 and 5, the word "commission" and inserting in place thereof the following word:— division.

SECTION 674. Section 39E of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following word:— division.

SECTION 675. Section 39F of said chapter 90, as so appearing, is hereby amended by striking out, in lines 6, 9, 12, and 15, the word "commission" and inserting in place thereof the following word:— division.

SECTION 676. Section 40 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 1, 2, 13, 30, 34, 40, and 48, the word "commission" and inserting in place thereof the following word:— division.

SECTION 677. Section 40 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 7 and 10, the words "civil aeronautics administration" and inserting in place thereof the following words:— federal aviation administration.

SECTION 678. Section 40A of said chapter 90, as so appearing, is hereby amended by striking out, in line 11, the word "commission" and inserting in place thereof the following word:— division.

SECTION 679. Section 40I of said chapter 90, as so appearing, is hereby amended by striking out, in lines 3 and 6, the word "commission" and inserting in place thereof the following word:— division.

SECTION 680. Section 41 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 1, 4, and 7, the word "commission" and inserting in place thereof the following word:— division.

SECTION 681. Section 41 of said chapter 90, as so appearing, is hereby amended by striking out, in line 7, the words "civil aeronautics board aeronautical accidents" and inserting in place thereof the following words:— federal aviation administration.

SECTION 682. Section 42 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 2 and 5, the word "commission" and inserting in place thereof the following word:— division.

SECTION 683. Section 43 of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following word:— division.

SECTION 684. Section 44 of said chapter 90, as so appearing, is hereby amended by striking out, in line 4, the word "commission" and inserting in place thereof the following word:— division.

SECTION 685. Section 47 of said chapter 90, as so appearing, is hereby amended by striking out, in line 15, the word "commission" and inserting in place thereof the following word:— division.

SECTION 686. Section 47 of said chapter 90, as so appearing, is hereby amended by striking out, in line 6, the words "civil aeronautics authority" and inserting in place thereof the following words:— federal aviation administration.

SECTION 687. Section 48 of said chapter 90, as so appearing, is hereby amended by striking out, in line 8, the words "civil aeronautics authority of the united states" and inserting in place thereof the following words:— federal aviation administration.

SECTION 688. Section 48 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 15 and 17, the word "commission" and inserting in place thereof the following word:— division.

SECTION 689. Subsection (a) of said section 49 of said chapter 90, as so appearing, is hereby amended by striking out, in line 4 and line 7, the word "commission", and inserting in place thereof the following word:— division.

SECTION 690. Subsection (1)(4) of said section 49 of said chapter 90, as so appearing, is hereby amended by striking out, in line 51, the words "civil aeronautics board of the united states" and inserting in place thereof the following words:— federal aviation administration.

SECTION 691. Section 49A of said chapter 90, as so appearing, is hereby amended by striking out, in lines 4, 7, 8, and

12, the word "commission" and inserting in place thereof the following word:— division.

SECTION 692. Subsection (a) of said section 49C of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following word:— division.

SECTION 693. Subsection (b) of said section 49C of said chapter 90, as so appearing, is hereby amended by striking out, in line 6, the word "commission" and inserting in place thereof the following word:— division.

SECTION 694. Subsection (c) of said section 49C of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following word:— division.

SECTION 695. Subsection (b) of said section 49D of said chapter 90, as so appearing, is hereby amended by striking out, in line 8, the word "commission" and inserting in place thereof the following word:— division.

SECTION 696. Said subsection (8) of said section 49D of said chapter 90, as so appearing, is hereby amended by striking out, in the line 46, the word "commission" and inserting in place thereof the following word:— division.

SECTION 697. Said subsection (d) of said section 49D of said chapter 90, as so appearing, is hereby amended by striking out, in the lines 52, 55 and 58, the word "commission" and inserting in place thereof the following word:— division.

SECTION 698. Said subsection (e) of said section 49D of said chapter 90, as so appearing, is hereby amended by striking out, in line 58, the word "commission" and inserting in place thereof the following word:— division.

SECTION 699. Subsection (a) of said section 49E of said chapter 90, as so appearing, is hereby amended by striking out, in lines 56 and 6, the word "commission" and inserting in place thereof the following word:— division.

SECTION 700. Subsection (b) of said section 49F of said chapter 90, as so appearing, is hereby amended by striking out, in line 7, the word "commission" and inserting in place thereof the following word:— division.

SECTION 701. Said subsection (c) of said section 49F of said chapter 90, as so appearing, is hereby amended by striking out, in lines 10, 15, and 19, the word "commission", and inserting in place thereof the following word:— division.

SECTION 702. Said subsection (d) of said section 49F of said chapter 90, as so appearing, is hereby amended by striking out, in line 24, the word "commission" and inserting in place thereof the following word:— division.

SECTION 703. Said subsection (e) of said section 49F of said chapter 90, as so appearing, is hereby amended by striking out, in lines 28 and 29, the word "commission" and inserting in place thereof the following word:— division.

SECTION 704. Subsection (a) of section 49G of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following word:— division.

SECTION 705. Subsection (b) of said section 49G of said chapter 90, as so appearing, is hereby amended by striking out, in line 5, the word "commission" and inserting in place thereof the following word:— division.

SECTION 706. Subsection (c) of said section 49G of said chapter 90, as so appearing, is hereby amended by striking out, in line 9, the word "commission" and inserting in place thereof the following word:— division.

SECTION 707. Subsection (b) of Section 49H of said chapter 90, as so appearing, is hereby amended by striking out, in line 7, the word "commission" and inserting in place thereof the following word:— division

SECTION 708. Subsection (c) of said Section 49H of said chapter 90, as so appearing, is hereby amended by striking out, in lines 16 and 18, the word "commission" and inserting in place thereof the following word:— division.

SECTION 709. Subsection (a) of Section 49I of said chapter 90, as so appearing, is hereby amended by striking out, in lines 3, 8, and 12, the word "commission" and inserting in place thereof the following word:— division.

SECTION 710. Subsection (b) of said Section 49I of said chapter 90, as so appearing, is hereby amended by striking out, in line 19, the word "commission" and inserting in place thereof the following word:— division.

SECTION 711. Subsection (a) of Section 49J of said chapter 90, as so appearing, is hereby amended by striking out, in line 4, the word "commission" and inserting in place thereof the following word:— division.

SECTION 712. Subsection (b) of said Section 49J of said chapter 90, as so appearing, is hereby amended by striking out, in lines 11, 12, and 18, the word "commission" and inserting in place thereof the following word:— division.

SECTION 713. Subsection (c) of said Section 49J of said chapter 90, as so appearing, is hereby amended by striking out, in line 21, the word "commission" and inserting in place thereof the following word:— division.

SECTION 714. Section 49K of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following word:— division.

SECTION 715. Section 49L of said chapter 90, as so appearing, is hereby amended by striking out, in lines 3 and 4, the word "commission" and inserting in place thereof the following word:— division.

SECTION 716. Section 49M of said chapter 90, as so appearing, is hereby amended by striking out, in lines 2, 3, and 6, the word "commission" and inserting in place thereof the following word:— division.

SECTION 717. Section 49O of said chapter 90, as so appearing, is hereby amended by striking out, in line 15, the words "civil aeronautics board" and inserting in place thereof the following words:— federal aviation administration.

SECTION 718. Section 49P of said chapter 90, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the following word:— division.

SECTION 719. Section 49Q of said chapter 90, as so appearing, is hereby amended by striking out, the word "commission" in the third sentence of subsection (a) and the second sentence of subsection (b), and inserting in place thereof the following word:— division.

SECTION 720. Section 50 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 5 and 11, the word "commission" and inserting in place thereof the following word:— division.

SECTION 721. Section 51K of said chapter 90, as so appearing, is hereby amended by striking out, in lines 3, 5, and 14, the word "commission" and inserting in place thereof the following word:— division.

SECTION 722. Section 51L of said chapter 90, as so appearing, is hereby amended by striking out, in lines 5 and 10, the word "commission", and inserting in place thereof the following word:— division.

SECTION 723. Section 1 of chapter 90A of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 724. Section 3 of chapter 90H of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 725. Said section 3 of said chapter 90H, as so appearing, is hereby further amended by striking out, in line 3, the words "the executive office of environmental affairs" and inserting in place thereof the following:— for the environment.

SECTION 726. Section 1 of chapter 91 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management, established by section 4A of chapter 21A.

SECTION 727. Said section 1 of said chapter 91, as so appearing, is hereby further amended by striking out, in lines 12 and 13, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 728. Section 2 of said chapter 91, as so appearing, is hereby amended by striking out, in lines 27, 31 and 32, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 729. Section 10 of said chapter 91, as so appearing, is hereby amended by striking out, in line 12, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 730. Section 10A½ of said chapter 91, as so appearing, is hereby amended by striking out, in lines 7 and 18, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 731. Section 13 of said chapter 91, as so appearing, is hereby amended by striking out, in lines 8 through 11, all text appearing after the word "prescribes."

SECTION 732. Section 14 of said chapter 91, as so appearing, is hereby amended by striking out, in lines 5 through 7, the words ", nor, unless with the approval of the governor and council, beyond the line of riparian ownership."

SECTION 733. Section 18 of said chapter 91, as so appearing, is hereby amended by inserting after the word "tidelands", in line 52, the following words:— upon request of the municipality or at the discretion of the department.

SECTION 734. Section 18 of said chapter 91, as so appearing, is hereby further amended by striking out, in lines 54 and 55, the words "following a public hearing."

SECTION 735. Said section 18 of said chapter 91, as so appearing, is hereby further amended by striking out, in lines 59 through 62, the last sentence of paragraph six, and inserting in place thereof the following:— For water dependent uses of tidelands, a public hearing may be held upon request of the municipality or at the discretion of the department in the affected city or town.

SECTION 736. Section 19A of said chapter 91, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 737. Section 34 of said chapter 91, as so appearing, is hereby amended by striking out, in line 1, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 738. Section 49 of said chapter 91, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words "division of waterways of the department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 739. Section 34A of said chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, and in line 15, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 740. Said section 34A of said chapter 92, as so appearing, is hereby further amended by striking out, in line 14, the word "commission" and inserting in place thereof the following:— division.

SECTION 741. Section 34B of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 742. Said section 34B of said chapter 92, as so appearing, is hereby further amended by striking out, in lines 5, 9 through 10, 16, 21 and 25 through 26, the word "commission" and inserting in place thereof the following:— division.

SECTION 743. Section 35 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 5, and 8, the word "commission" and inserting in place thereof the following:— division.

SECTION 744. Section 35A of said chapter 92, as so appearing, is hereby amended by striking out, in line 1 and line 5, the word "commission" and inserting in place thereof the following:— division.

SECTION 745. Section 36 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 2 through 3, and 16, the word "commission" and inserting in place thereof the following:— highway department on behalf of the division of conservation and recreation.

SECTION 746. Section 37 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 through 2, 19 and 22, the word "commission" and inserting in place thereof the following:— division.

SECTION 747. Section 38 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 7 and 15, the word "commission" and inserting in place thereof the following:— division.

SECTION 748. Said section 38 of said chapter 92, as so appearing, is hereby further amended by striking out, in lines 10 and 13, the words "commission or of its secretary" and inserting in place thereof the following:— division.

SECTION 749. Section 39 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the term "commission" and inserting in place thereof the following:— division.

SECTION 750. Section 40 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 751. Section 41 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 752. Section 42 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 753. Section 43 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 5 through 6, the word "commission" and inserting in place thereof the following:— division.

SECTION 754. Section 44 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 through 2, 5, 10, 16, and 18 through 19, the word "commission" and inserting in place thereof the following:— division.

SECTION 755. Section 45 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 756. Section 46 of said chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 757. Section 48 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 through 2, 6, 11, and 16, the word "commission" and inserting in place thereof the following:— division.

SECTION 758. Section 49 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "commission" and inserting in place thereof the following:— division.

SECTION 759. Section 50 of said chapter 92, as so appearing, is hereby amended by striking out the word "commission" in lines 1 and 3 and inserting in place thereof the following:— division.

SECTION 760. Section 51 of said chapter 92, as so appearing, is hereby amended by striking out the word "commission" in line 2 and inserting in place thereof the following:— division.

SECTION 761. Section 52 of said chapter 92, as so appearing, is hereby amended by striking out the word "commission" in lines 4 and 6 and inserting in place thereof the following:— division.

SECTION 762. Section 53 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1 and line 3, the word "commission" and inserting in place thereof the following:— division.

SECTION 763. Section 65 of chapter 92 of the General Laws is hereby deleted.

SECTION 764. Section 66 of chapter 92 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 765. Section 66A of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation,

SECTION 766. Said section 66A of said chapter 92, as so appearing, is hereby further amended by striking out, in line 3, the word "commission" and inserting in place thereof the following:— division.

SECTION 767. Section 67 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 4 and 8, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 768. Section 68 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 through 2 and 5, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 769. Section 69 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 9, 22 through 23, and 26, the word "commission" and inserting in place thereof the following:— division.

SECTION 770. Section 72 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 6, 13 and 14, the word "commission" and inserting in place thereof the following:— division.

SECTION 771. Section 73 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 772. Section 74 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 6 and 7, the word "commission" and inserting in place thereof the following:— division.

SECTION 773. Section 74A of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 12 and 13, the word "commission" and inserting in place thereof the following:— division.

SECTION 774. Section 75 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 6, 8, 9 and 12, the word "commission" and inserting in place thereof the following:— division.

SECTION 775. Section 76 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 7, the word "commission" and inserting in place thereof the following:— division.

SECTION 776. Section 76A of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 777. Said section 76A of said chapter 92, as so appearing, is hereby further amended by striking out, in line 2, the word "department" and inserting in place thereof the following:— division.

SECTION 778. Said section 76A of said chapter 92, as so appearing, is hereby further amended by striking out, in lines 17, 22 through 23, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 779. Said section 76A of said chapter 92, as so appearing, is hereby further amended by striking out, in lines 25 and 26, the word "commission's" and inserting in place thereof the following:— division's.

SECTION 780. Said section 76A of said chapter 92, as so appearing, is hereby further amended by striking out, in line 28, the word "department" and inserting in place thereof the following:— division.

SECTION 781. Section 79 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 2 and 10, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 782. Said section 79 of said chapter 92, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words "within the metropolitan parks district".

SECTION 783. Said section 79 of said chapter 92, as so appearing, is hereby further amended by striking out, in line 11, the words "within said district".

SECTION 784. Section 80 of said chapter 92, as so appearing, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 785. Said section 80 of said chapter 92, as so appearing, is hereby further amended by striking out, in lines 4 and 5, the words "within the metropolitan parks district".

SECTION 786. Section 83 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 8 and 9, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 787. Section 84 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 788. Said section 84 of said chapter 92, as so appearing, is hereby further amended by striking out, in line 5, the word "commission" and inserting in place thereof the following:— division or former metropolitan district commission.

SECTION 789. Section 85 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 15, 18, and 20, the word "commission" and inserting in place thereof the following:— division.

SECTION 790. Section 86 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 2, 9, 13, and 14, the word "commission" and inserting in place thereof the following:— division.

SECTION 791. Section 87 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 14, 16, 19 through 20, and 21, each time it appears, the word "commission" and inserting in place thereof, in each instance, the following:— division.

SECTION 792. Section 88 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "commission" and inserting in place thereof the following:— department.

SECTION 793. Said section 88 of said chapter 92, as so appearing, is hereby further amended by inserting after the word "the", in line 10, the following:— former.

SECTION 794. Section 89 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 3 and 5, the word "commission" and inserting in place thereof the following:— division.

SECTION 795. Section 90 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 2 and 4, the word "commission" and inserting in place thereof the following:— division.

SECTION 796. Section 92 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 4 through 5 and 6, the word "commission" and inserting in place thereof the following:— division.

SECTION 797. Section 94 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 2 and 3, the word "commission" and inserting in place thereof the following:— division.

SECTION 798. Section 95 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 5, 7, 10, and 11, the word "commission" and inserting in place thereof the following:— division.

SECTION 799. Section 95A of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 2, 7, 8, and 9, the word "commission" and inserting in place thereof the following:— division.

SECTION 800. Section 96 of said chapter 92, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the following:— division.

SECTION 801. Section 100 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 802. Section 101 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 4, 7, 8, 9 through 10, 12 through 13 and 14, each time it appears, the word "commission" and inserting in place thereof, in each instance, the following:— division.

SECTION 803. Section 103 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 11, the word "commission" and inserting in place thereof the following:— division.

SECTION 804. Section 104 of said chapter 92, as so appearing, is hereby amended by striking out line 27 and inserting in place thereof the following:— division of conservation and recreation.

SECTION 805. Said section 104 of said chapter 92, as so appearing, is hereby further amended by striking out line 28.

SECTION 806. Section 105 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 2, the word "division of watershed management" and inserting in place thereof the following:— bureau of watersheds.

SECTION 807. Section 106 of said chapter 92, as so appearing, is hereby amended by striking out, in line 5, the word "commission" and inserting in place thereof the following:— division.

SECTION 808. Section 108 of said chapter 92, as so appearing, is hereby amended by striking out the seventh sentence and inserting in place thereof the following:— The sworn certificate of any senior official of the division of such posting and publication, or of the posting and publication of an order made by the division, shall be prima facie evidence thereof.

SECTION 809. Said section 108 of said chapter 92, as so appearing, is hereby further amended by striking out, in lines 24 through 25, the words "member of the commission or by its secretary," and inserting in place thereof the following:— senior official of the division.

SECTION 810. Said section 108 of said chapter 92, as so appearing, is hereby further amended by striking out, in line 26, the words "department or by the commission, as the case may be" and inserting in place thereof the following:— the division.

SECTION 811. Section 110 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 812. Section 111 of said chapter 92, as so appearing, is hereby amended by striking out, in line 7, the word "commission" and inserting in place thereof the following:— division.

SECTION 813. Section 112 of said chapter 92, as so appearing, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the following:— division.

SECTION 814. Section 113 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1, 9, 12, 13, 18, 19, and 21, the word "commission" and inserting in place thereof the following:— division.

SECTION 815. Section 114 of said chapter 92, as so appearing, is hereby amended by striking out, in line 6, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 816. Section 114A of said chapter 92, as so appearing, is hereby amended by striking out, in line 6, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 817. Section 117 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 818. Section 119 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the following:— division.

SECTION 819. Section 1 of chapter 92B of the General Laws, as so appearing, is hereby amended by striking out line 5 and line 6 and inserting in place thereof the following:—

"Commissioner", the commissioner of the division of conservation.

"Division", the division of conservation and recreation.

SECTION 820. Section 2 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 3, 4, and 12, the word "commission" and inserting in place thereof the following:— division.

SECTION 821. Section 7 of said chapter 92B, as so appearing, is hereby amended by striking out, in line 4, the word "commission" and inserting in place thereof the following:— division.

SECTION 822. Section 11 of said chapter 92B of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the word "commission" and inserting in place thereof the following:— division.

SECTION 823. Chapter 94 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "office of consumer affairs and business regulation" in each instance it appears, and inserting in place thereof in each instance, the following:— department of consumer and commercial services.

SECTION 824. Said chapter 94, as so appearing, is hereby further amended by striking out the phrase "deputy director" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner.

SECTION 825. Chapter 98 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "office of consumer affairs and business regulation" in each instance it appears, and inserting in place thereof in each instance, the following:— department of consumer and commercial services.

SECTION 826. Said chapter 98, as so appearing, is hereby further amended by striking out the phrase "deputy director" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner.

SECTION 827. Section 29 of chapter 98 of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph.

SECTION 828. Chapter 100 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "office of consumer affairs and business regulation" in each instance it appears, and inserting in place thereof in each instance, the following:— department of consumer and commercial services.

SECTION 829. Said chapter 100, as so appearing, is hereby further amended by striking out the phrase "deputy director" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner.

SECTION 830. Chapter 100A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "office of consumer affairs and business regulation" in each instance it appears, and inserting in place thereof in each instance, the following:— department of consumer and commercial services.

SECTION 831. Said chapter 100A, as so appearing, is hereby further amended by striking out the phrase "deputy director" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner.

SECTION 832. Chapter 101 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "office of consumer affairs and business regulation" in each instance it appears, and inserting in place thereof in each instance, the following:— department of consumer and commercial services.

SECTION 833. Said chapter 101, as so appearing, is hereby further amended by striking out the phrase "deputy director" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner.

SECTION 834. Section 27 of chapter 102 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 835. Chapter 105 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 836. Said chapter 105, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 837. Chapter 111 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 838. Said chapter 111, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 839. Section 5E of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 through 5 and 33 through 34, the words "department of environmental protection" and inserting in place thereof the following:— division of environmental protection.

SECTION 840. Said section 5E of chapter 111, as so appearing, is hereby further amended by striking out, in lines 18 and 19, the words "department of environmental management of the executive office of environmental affairs" and inserting in place thereof the following:— division of conservation and recreation of the department of the environment.

SECTION 841. Section 5E of chapter 111 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 33 through 35, the term "department of environmental protection, environmental management, and fisheries, wildlife and recreational vehicles" and inserting in place thereof the following:— division of environmental protection, conservation and recreation, and fish and wildlife.

SECTION 842. Section 20 of said chapter 111, as so appearing, is hereby amended by striking out, in line 5, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 843. Section 174A of said chapter 111, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "watershed management of the metropolitan district commission" and inserting in place thereof the following:— the division of conservation and recreation.

SECTION 844. Section 175 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 24 and 25, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 845. Section 197E of said chapter 111, as so appearing, is hereby amended by striking out, in lines 4-5, 13, 27, 30 and 33, the word "director" and inserting in place thereof in each instance the word:— secretary.

SECTION 846. Section 1 of chapter 112 of the General Laws is hereby repealed.

SECTION 847. Section 1 of said chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out lines 1-7 and inserting in place thereof the following sentences:— As provided in section 9 of chapter 6C, the executive office for health and human services is hereby designated as the single state agency responsible for the administration of programs of medical assistance and medical benefits established pursuant to this chapter. All actions of the executive office of health and human services shall be taken by the secretary, or at the direction of the secretary, by the director of Medicaid, who shall be appointed by the secretary, or by such agents or other personnel as the secretary shall determine.

SECTION 848. Section 2 of said chapter 118E, as so appearing, is hereby amended by striking out lines 1-15 and inserting in place thereof the following sentences:— All powers and duties established pursuant to this chapter shall be exercised by the secretary for health and human services, or by the director of Medicaid at the direction of the secretary. The secretary shall appoint and may remove such agents and other personnel, and may establish such offices, bureaus, or other offices within the executive office for health and human services, as may be necessary and appropriate for the efficient and economical administration of the programs of medical assistance and medical benefits established pursuant to this chapter.

SECTION 849. Section 3 of said chapter 118E, as so appearing, is hereby amended by striking out lines 1 through 21 and inserting in place thereof the following word:— Reserved.

SECTION 850. Section 4 of said chapter 118E, as so appearing, is hereby amended by striking out lines 1through 5 and inserting in place thereof the following word:— Reserved.

SECTION 851. Section 5 of said chapter 118E, as so appearing, is hereby amended by striking out lines 1 through 6 and inserting in place thereof the following word:— Reserved.

SECTION 852. Section 6 of said chapter 118E, as so appearing, is hereby amended by striking out, in lines 2 and 13 the word "division" and inserting in place thereof the words:— executive office.

SECTION 853. Section 6 of said chapter 118E, as so appearing, is hereby amended by striking out, in lines 4 and 6, the word "commissioner" and inserting in place thereof the words:— secretary of the executive office for health and human services.

SECTION 854. Section 7 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 2, the word "division" and inserting in place thereof the words:— executive office.

SECTION 855. Section 8 of said chapter 118E, as so appearing, is hereby amended by striking out lines 4 through 5 and inserting in place thereof the phrase:—

a. "Executive office", the executive office for health and human services.

SECTION 856. Sections 9 through 52, inclusive, of said chapter 118E, as so appearing, are hereby amended by striking out the word "division" in each instance in which they appear and inserting in place thereof, in each instance, the following:— executive office.

SECTION 857. Sections 9 through 52, inclusive, of said chapter 118E, as so appearing, are hereby amended by striking out the word "commissioner" in each instance in which they appear and inserting in place thereof, in each instance, the following:— secretary of the executive office for health and human services.

SECTION 858. Chapter 118G, as so appearing, is hereby amended by striking out the title and inserting in place thereof:—

Programs for the Collection and Analysis of Health Care Data and for the Establishment of Health Care Rates.

SECTION 859. Section 1 of chapter 118G, as so appearing, is hereby further amended by striking out lines 35 through 36 and inserting in place thereof:— "Commissioner", the commissioner of the department of health.

SECTION 860. Section 1 of chapter 118G, as so appearing, is hereby further amended by striking out lines 55 through 56 and inserting in place thereof:— "Department", the department of public health.

SECTION 861. Section 2 of chapter 118G, as so appearing, is hereby further amended by striking out lines 1 through 19 and inserting in place thereof the following sentence:— Pursuant to the authority delegated to the department by the secretary of health and human services, the department shall exercise the following powers and duties:

SECTION 862. Section 2 of chapter 118G, as so appearing, is hereby further amended by striking out, in line 20, the letter "(b)" and inserting in place thereof the letter:— (a).

SECTION 863. Section 2 of chapter 118G, as so appearing, is hereby further amended by striking out, in line 39, the letter "(c)" and inserting in place thereof the letter:— (b).

SECTION 864. Section 2 of chapter 118G, as so appearing, is hereby further amended by striking out, in line 41, the letter "(d)" and inserting in place thereof the letter:— (c).

SECTION 865. Sections 2 through 26, inclusive, of chapter 118G, as so appearing, are hereby amended by striking out the word "division" in each instance in which it appears and inserting in place thereof, in each instance, the following:— department.

SECTION 866. Section 11 of chapter 120 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the term "department of environmental management" and inserting in place thereof the following:— commissioner of the division of conservation and recreation.

SECTION 867. Said section 11 of said chapter 120, as so appearing, is hereby further amended by striking out, in lines 11 through 12 and line 17, the words "commissioner of environmental management" and inserting in place thereof the following:— commissioner of the division of conservation and recreation.

SECTION 868. Section 1 of chapter 121B of the General Laws, as so appearing, is hereby amended by striking out, in line 94, the word "director" and inserting in place thereof the word:— secretary.

SECTION 869. Section 34B of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 12 through 20, the words "director or an associate director of housing and community development. It shall be sufficient if the signature of said director or associate director upon such note is an engraved, printed or stamped facsimile signature provided that he has, by a writing bearing his written signature and filed in the office of said director, authorized his facsimile signature to be placed thereon. The facsimile signature of said director or associate director so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. If any said director or associate director" and inserting in place thereof the words:— secretary or an assistant secretary of the department of housing and community development. It shall be sufficient if the signature of said secretary or assistant secretary upon such note is an engraved, printed or stamped facsimile signature, provided that he has, by a writing bearing his written signature and filed in the office of the secretary, authorized his facsimile signature to be placed thereon. The facsimile signature of said secretary or assistant secretary so engraved, printed or stamped thereon, shall have the same validity and effect as his written signature. If any such secretary or assistant secretary.

SECTION 870. Section 59 of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 8 and 9, the word "director" and inserting in place thereof in each instance the word:— secretary.

SECTION 871. Section 1 of chapter 121C of the General Laws, as so appearing, is hereby amended by striking out, in line 20, paragraph 2A.

SECTION 872. Said section 1 of said chapter 121C, as so appearing, is hereby further amended by striking out, in lines 72 and 77, the word "director" and by inserting in place thereof in each instance the word:— secretary.

SECTION 873. Said section 1 of said chapter 121C, as so appearing, is hereby further amended by inserting after paragraph (8) the following paragraph:—

(9) "Secretary", the secretary of housing and community development.

SECTION 874. Section 4 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 9, the word "director" and by inserting in place thereof the word:— secretary.

SECTION 875. Section 5 of said chapter 121C, as so appearing, is hereby amended by striking out, in lines 61 and 74, the word "director" and by inserting in place thereof in each instance the word:— secretary.

SECTION 876. Section 6 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 27, the word "director" and by inserting in place thereof the word:— secretary.

SECTION 877. Section 10 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 5, the word "director" and by inserting in place thereof the word:— secretary.

SECTION 878. Section 83A of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "department of environmental management or of the metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 879. Said section 83A of chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 4 through 5, 8 through 10, and 16 through 18, the words "commissioner of environmental management or of the metropolitan district commission, as the case, may be", and inserting in place thereof the following:— commissioner of the division of conservation and recreation.

SECTION 880. Said section 83A of chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 13 and 15, the words "; provided, however, that only one such camp may be established on land under the control of the metropolitan district commission".

SECTION 881. Section 83E of said chapter 127, as so appearing, is hereby amended by striking out, in line 2, the words "department of environmental management" and inserting in place thereof the following:— department of conservation and recreation.

SECTION 882. Section 83E of said chapter 127, as so appearing, is hereby further amended by striking out, in lines 3 and 4, the word "commissioner of environmental management" and inserting in place thereof the following:— commissioner of the division of conservation and recreation.

SECTION 883. Section 84 of said chapter 127, as so appearing, is hereby amended by striking out, in line 8, the words "director of the division of forests and parks in the department of environmental management" and inserting in place thereof the following:— the director of the bureau of parks and recreation management in the division of conservation and recreation.

SECTION 884. Section 158 of chapter 127 of the General Laws is hereby repealed.

SECTION 885. Section 23 of chapter 128 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 9 and 19, the words "the director of the division of forests and parks in the department of environmental management" and inserting in place thereof the following:— the director of the bureau of parks and recreation management in the division of conservation and recreation.

SECTION 886. Section 105 of chapter 130 of the General Laws, as so appearing, is hereby amended by striking out, in lines 15 through 16 and line 54, the words "department of environmental management" and inserting in place thereof the following:— department of conservation and recreation.

SECTION 887. Said section 105 of said chapter 130, as so appearing, is hereby further amended by striking out, in line 68, the term "metropolitan district commission" and inserting in place thereof the following:— metropolitan park service of the division of conservation and recreation.

SECTION 888. Section 39A of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in lines 25, 71, 178, 189, 197, 199, and 202, the word "department" and inserting in place thereof the following:— division.

SECTION 889. Said section 39A of said chapter 131, as so appearing, is hereby further amended by striking out, in lines 24 through 26, 70 through 71 and 156, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 890. Said section 39A of said chapter 131, as so appearing, is hereby further amended by striking out, in line 28, the words "environmental management" and inserting in place thereof the following:— the division of conservation and recreation.

SECTION 891. Section 40 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in lines 197 and 198, the term "department of environmental management" and inserting in place thereof the following:— division of agricultural resources.

SECTION 892. Section 40 of said chapter 131, as so appearing, is hereby further amended by striking out, in line 349, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 893. Section 40A of chapter 131, as so appearing, is hereby amended by striking out, in lines 24 through 25, line 82, and lines 101 through 102, the words "department of environmental management" and inserting in place thereof the following:— department of conservation and recreation.

SECTION 894. Said section 40A of said chapter 131, as so appearing, is hereby further amended by striking out, in lines 25 and 26, the words "the metropolitan district commission," and inserting in place thereof the following:— division of conservation and recreation.

SECTION 895. Section 59 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 19 and 20, the term "division of forests and parks of the department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 896. Section 1 of chapter 132 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "division of forests and parks" and inserting in place thereof the following:— bureau of parks and recreation management.

SECTION 897. Said section 1 of said chapter 132, as so appearing, is hereby further amended by striking out, in lines 2 and 3, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 898. Said section 1 of said chapter 132, as so appearing, is hereby further amended by striking out, in line 3, the word "department" and inserting in place thereof the following:— division.

SECTION 899. Section 2 of said chapter 132, as so appearing, is hereby amended by striking out, in line 1, the term "commissioner of environmental management" and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 900. Section 12A of said chapter 132, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ", including in such terms of the metropolitan district commission,".

SECTION 901. Section 13 of said chapter 132, as so appearing, is hereby amended by striking out, in line 10, the words "department of food agriculture" and inserting in place thereof the following:— division of agricultural resources.

SECTION 902. Section 16 of said chapter 132 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "bureau of shade tree management and pest control" and inserting in place thereof the following:— bureau of parks and recreation management.

SECTION 903. Section 30 of said chapter 132, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 904. Section 31 of said chapter 132, as so appearing, is hereby amended by striking out, in line 13, the term "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 905. Section 32 of said chapter 132, as so appearing, is hereby amended by striking out, in line 2, the term "board of environmental management" and inserting in place thereof the following:— stewardship council.

SECTION 906. Section 35 of said chapter 132, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following:— division.

SECTION 907. Section 36 of said chapter 132, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following:— division.

SECTION 908. Section 36A of said chapter 132, as so appearing, is hereby amended by striking out, in line 3, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 909. Section 38A of said chapter 132, as so appearing, is hereby amended by striking out, in line 1, the term "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 910. Section 41 of said chapter 132, as so appearing, is hereby amended by striking out, in line 6, the words "forests and parks" and inserting in place thereof the following words:— agriculture and working resources.

SECTION 911. Section 41 of said chapter 132, as so appearing, is hereby further amended by striking out, in lines 24 and 25, the words "forests and parks" and inserting in place thereof the following words:— agriculture and working resources.

SECTION 912. Section 42 of said chapter 132, as so appearing, is hereby amended by striking out in lines 34 through 36, the words "director or his designee who shall act as hearing officer and will hold an informal hearing within ten days and render his written decision to" and inserting in place thereof the following words:— division of administrative law appeals in the executive office of administration and finance, which will hold an informal hearing within ten days and render a decision to.

SECTION 913. Section 42 of said chapter 132, as so appearing, is hereby further amended by striking out, in line 38, the word "director" and inserting in place thereof the following words:— division of administrative law appeals.

SECTION 914. Section 49 of said chapter 132, as so appearing, is hereby further amended by striking out, in line 1, the words "forests and parks" and inserting in place thereof the following words:— agriculture and working resources.

SECTION 915. Section 50 of said chapter 132, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "forests and parks" and inserting in place thereof the following words:— agriculture and working resources.

SECTION 916. Said section 50 of said chapter 132, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the word "department" and inserting in place thereof the following words:— division of conservation and recreation.

SECTION 917. Said section 50 of said chapter 132, as so appearing, is hereby further amended by striking out, in line 11, the words "executive office of environmental affairs" and inserting in place thereof the following words:— department of the environment.

SECTION 918. Said section 51 of said chapter 132, as so appearing, is hereby further amended by striking out, in lines 13 through 15, the words "department of environmental management, the metropolitan district commission" and inserting in place thereof the following words:— division of agriculture and working resources, division of conservation and recreation.

SECTION 919. Said section 51 of said chapter 132, as so appearing, is hereby further amended by striking out, in lines 23 and 24, the words "department of environmental management, and the chief forester of the metropolitan district commission" and inserting in place thereof the following words:— division of conservation and recreation.

SECTION 920. Said section 51 of said chapter 132, as so appearing , is hereby amended by striking out, in line 13 and line 23, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 921. Section 51 of said chapter 132, as so appearing, is hereby further amended by striking out, in lines 14 and 24, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 922. Section 1 of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 923. Said section 1 of said chapter 132A, as so appearing, is hereby further amended by striking out, in line 8, the words "outside the metropolitan park district".

SECTION 924. Section 2 of said chapter 132A, as so appearing, is hereby amended by striking out, in line, 8, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 925. Said section 2 of said chapter 132A, as so appearing, is hereby further amended by striking out, in lines 3 and 4, the words "outside of the metropolitan parks district,".

SECTION 926. Section 2A of said chapter 132A, as so appearing, is hereby amended by striking out, in line 4, the term "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 927. Section 2C of said chapter 132A, as so appearing, is hereby amended by striking out, in line 5, the words "metropolitan district commission,".

SECTION 928. Section 3 of said chapter 132A, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "lying outside the metropolitan parks district".

SECTION 929. Section 3A of said chapter 132A, as so appearing, is hereby amended by striking out the words "board of environmental management" in lines 2 through 3 and inserting in place thereof the following:— stewardship council.

SECTION 930. Section 7A of said chapter 132A, as so appearing, is hereby amended by striking out, in lines 1 through 2, line 7 and lines 40 and 41, the words "department of environmental management division of forests and parks" and inserting in place thereof the following:— department of conservation and recreation, bureau of parks and recreation management.

SECTION 931. Section 10 of said chapter 132A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 932. Section 11B of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "director" and by inserting in place thereof the word:— secretary.

SECTION 933. Section 12B of said chapter 132A, as so appearing, is hereby amended by striking out, in lines 3 through 14 and line 15, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 934. Section 16 of said chapter 132A, as so appearing, is hereby amended by striking out, in lines 19 and 20, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 935. Section 3 of chapter 132B of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words "commissioner of environmental management" and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 936. Section 3A of said chapter 132B, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 937. Chapter 136 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 938. Said chapter 136, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 939. Section 35 of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 940. Chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 941. Said chapter 140, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 942. Section 32B of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 18, the word "director" and inserting in place thereof in each instance the word:— secretary.

SECTION 943. Section 32L of said chapter 140, as so appearing, is hereby amended by striking out, in lines 20, 41, 47, 52, 52-53, 56 and 96, the word "director" and inserting in place thereof in each instance the word:— secretary.

SECTION 944. Section 32L of said chapter 140, as so appearing, is hereby further amended by striking out, in line 96, the word "director's" and inserting in place thereof the word:— secretary's.

SECTION 945. Section 32P of said chapter 140, as so appearing, is hereby amended by striking out, in lines 25, 27 and 28, the word "director" and inserting place thereof in each instance the word:— secretary.

SECTION 946. Section 32R of said chapter 140, as so appearing, is hereby amended by striking out, in lines 5, 15 and 96, the word "director" and by inserting in place thereof in each instance the word:— secretary.

SECTION 947. Section 21 of chapter 142 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "Metropolitan district commission" and inserting in place thereof the following:— Division of Conservation and Recreation.

SECTION 948. Chapter 142A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 949. Said chapter 142A, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 950. Chapter 143 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 951. Said chapter 143, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 952. Section 94 of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 953. Chapter 146 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 954. Said chapter 146, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 955. Chapter 147 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— division of inspection and regulation.

SECTION 956. Said chapter 147, as so appearing, is hereby further amended by striking out the phrase "commissioner of public safety" in each instance it appears, and inserting in place thereof in each instance, the following:— commissioner of inspection and regulation.

SECTION 957. Section 37A of chapter 148 of the General Laws, as so appearing, is hereby amended by striking out lines 7 through 13 inclusive, and inserting in place thereof the following:— The department of environment shall establish and administer a program to provide grants to cities, towns, districts, and other bodies politic, not to include agencies or authorities of the commonwealth, for the purpose of removing or replacing, or both, fuel storage tanks that they own or operate, subject to the following conditions:.

SECTION 958. Section 37A of said chapter 148, as so appearing, is hereby further amended by striking out, in lines 24, 32 and 45, the word "board" and inserting in place thereof the following:— department of environment.

SECTION 959. Section 37A of said chapter 148, as so appearing, is hereby further amended by striking out, in line 26, the word "board's" and inserting in place thereof the following:— department of environment's.

SECTION 960. Section 26 of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in line 46, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation, division.

SECTION 961. Section 38 of said chapter 149, as so appearing, is hereby amended by striking out, in line 2, the words "or the metropolitan district commission".

SECTION 962. Section 44 of said chapter 149, as so appearing, is hereby amended by striking out, in line 3, the words ", or of the metropolitan district commission,".

SECTION 963. Said section 44 of said chapter 149, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words "by the metropolitan district commission or".

SECTION 964. Said section 44 of said chapter 149, as so appearing, is hereby further amended by striking out, in line 8, the words "by the said commission or".

SECTION 965. Section 1 of chapter 152 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 68 and 69, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 966. Section 10 of said chapter 159, as so appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1 the words "Department of Telecommunications and Energy", and inserting in place thereof the following:— "Vehicle Safety Division". The division shall enforce this chapter, except that the division of telecommunications and energy shall enforce the common carriers defined in 12(d).

SECTION 967. Section 11 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1 the word "department", and inserting in place thereof the following word:— division.

SECTION 968. Sections 12A, 12B, 12C and 12D of Chapter 159 of the General Laws are hereby repealed.

SECTION 969. Section 12 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 8 the word "department", and inserting in place thereof the following word:— division.

SECTION 970. Section 13 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 971. Section 14 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 8, 15-16, 18, 20 and 32, the word "department" and inserting in place thereof the following word:— division.

SECTION 972. Section 14A of said chapter 159, as so appearing, is hereby amended by striking out, in lines 3, 14, 16, 26, 40, 46 and 56, the word "department" and inserting in place thereof the following word:— division.

SECTION 973. Section 15 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 10 and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 974. Section 16 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 4, 9, 13, 16 and 29, the word "department" and inserting in place thereof the following word:— division.

SECTION 975. Section 16A of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department", and inserting in place thereof the following word:— division.

SECTION 976. Section 17 of said chapter 159, as so appearing, is hereby amended by striking out, in line 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 977. Section 18 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 6-7, 12, 18 and 19-20, the word "department" and inserting in place thereof the following word:— division.

SECTION 978. Section 19 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 22, 29, 34, 36, 37, 44, 48 and 50, the word "department" and inserting in place thereof the following word:— division.

SECTION 979. Section 19A of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 2-3, 10-11, 16, 18 and 21, the word "department" and inserting in place thereof the following word:— division.

SECTION 980. Section 19C of said chapter 159, as so appearing, is hereby amended by striking out, in lines 5 and 19, the word "department" and inserting in place thereof the following word:— division.

SECTION 981. Section 20 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 20, 29, 31 and 35, the word "department" and inserting in place thereof the following word:— division.

SECTION 982. Section 21 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 2-3, 12, 21, 29, 40, 51, 56 and 59, the word "department" and inserting in place thereof the following word:— division.

SECTION 983. Section 22 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 984. Section 23 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 985. Section 24 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 5, 9 and 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 986. Section 25 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 987. Section 26 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 3, 7 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 988. Section 27 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 989. Section 28 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 2 and 6, the word "department", and inserting in place thereof the following word:— division.

SECTION 990. Section 29 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 991. Section 31 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 992. Section 32 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 8-9, 10, 12, 14 and 18, the word "department" and inserting in place thereof the following word:— division.

SECTION 993. Section 33 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 3 and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 994. Section 34 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 995. Section 34A of said chapter 159, as so appearing, is hereby amended by striking out, the word "department" in lines 1, 12, 19, 22, 46 and 55 of subsection (a), line 3 of subsection (b), line 1 of subsection (c), line 1 of subsection (e), and line 2 of subsection (f), and inserting in place thereof the following word:— division.

SECTION 996. Section 35 of said chapter 159, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 997. Section 36 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 998. Section 37 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 13 and 16, the word "department" and inserting in place thereof the following word:— division.

SECTION 999. Section 38 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1 the word "department", and inserting in place thereof the following word:— division.

SECTION 1000. Section 39 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 3 and 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1001. Section 40 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 3, and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1002. Section 41 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 12, the word "department" and inserting in place thereof the following word:— division.

SECTION 1003. Section 43 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1004. Section 44 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1005. Section 51 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 9 and 12, the word "department" and inserting in place thereof the following word:— division.

SECTION 1006. Section 52 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1 and 7, the word "department" in the heading and and inserting in place thereof the following word:— division.

SECTION 1007. Section 54 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 7 and 9, the word "department" in the heading and inserting in place thereof the following word:— division.

SECTION 1008. Section 57 of said chapter 159, as so appearing, is hereby amended by striking out, in line 3, the word "department" in the heading and inserting in place thereof the following word:— division.

SECTION 1009. Section 58 of said chapter 159, as so appearing, is hereby amended by striking out, in line 1, the word "department" in the heading and and inserting in place thereof the following word:— division.

SECTION 1010. Section 59 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 11, 15, 26 and 28, the words "Department of Telecommunications and Energy", and inserting in place thereof the following:— "Vehicle Safety Division".

SECTION 1011. Section 59 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 3, 17, 23, 27, 36 and 37, the words "department of highways" and inserting in place thereof the following:— "division of public works".

SECTION 1012. Section 61 of said chapter 159, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1013. Section 62 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 2 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1014. Section 62 of said chapter 159, as so appearing, is hereby amended by striking out, in line 3, the words "department of highways" and inserting in place thereof the following:— "division of public works".

SECTION 1015. Section 65 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 5, 18, 24, 27, 29 and 37, the words "Department of Telecommunications and Energy" and inserting in place thereof the following:— "Vehicle Safety Division".

SECTION 1016. Section 65 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 8, 19, 22 and 38 the words "department of highways", and inserting in place thereof the following:— "division of public works".

SECTION 1017. Section 65 of said chapter 159, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1018. Section 70 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 20, 50, 62 and 65, the words "Department of Telecommunications and Energy" and inserting in place thereof the following:— "Vehicle Safety Division".

SECTION 1019. Section 70 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 1, 28, 56-57, 64 and 68 the words "department of highways", and inserting in place thereof the following:— "division of public works".

SECTION 1020. Section 72 of said chapter 159, as so appearing, is hereby amended by striking out, in line 7, the words "department of highways", and inserting in place thereof the following:— "division of public works".

SECTION 1021. Section 74 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 3, 17 and 46 the words "Department of Telecommunications and Energy", and inserting in place thereof the following:— "Vehicle Safety Division".

SECTION 1022. Section 74 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 6, 19, 31, 33, 41, the words "department of highways" and inserting in place thereof the following:— "division of public works".

SECTION 1023. Section 75 of said chapter 159, as so appearing, is hereby amended by striking out, in line 13, the words "department of highways" and inserting in place thereof the following:—."division of public works".

SECTION 1024. Section 78 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 18-19, the words "Department of Telecommunications and Energy" and inserting in place thereof the following:— "Vehicle Safety Division".

SECTION 1025. Section 79 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 5-6, the words "Department of Telecommunications and Energy", and inserting in place thereof the following:— "Vehicle Safety Division".

SECTION 1026. Section 78 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 2-3 and 21, the words "department of highways" and inserting in place thereof the following words:— "division of public works".

SECTION 1027. Section 79 of said chapter 159, as so appearing, is hereby amended by striking out, in line 5, the words "department of highways", and inserting in place thereof the following words:— "division of public works".

SECTION 1028. Section 80 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 21-23, 34-35, 36 and 41-42, the words "Department of Telecommunications and Energy", and inserting in place thereof the following:— "Vehicle Safety Division".

SECTION 1029. Section 80 of said chapter 159, as so appearing, is hereby amended by striking out, in lines 21-22, 26, 35-39, 49 and 53, the words "department of highways", and inserting in place thereof the following words:— "division of public works".

SECTION 1030. Section 1 of said chapter 159A, as so appearing in the 2000 Official Edition, is hereby amended by striking out, in line 11, the words "metropolitan district commission" and inserting in place thereof the following words:— division of public works.

SECTION 1031. Section 4 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 24 and 25, the words “metropolitan district commission” and inserting in place thereof the following words:— division of public works.

SECTION 1032. Section 2 of said chapter 159A, as so appearing, is hereby amended by striking out, in line 3, the words “department of telecommunications and energy” and inserting in place thereof the following words:— vehicle safety division.

SECTION 1033. Section 3 of said chapter 159A, as so appearing, is hereby amended by striking out, in line 6, the words “department of telecommunications and energy” and inserting in place thereof the following words:— vehicle safety division.

SECTION 1034. Section 3 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 7, 11, and 13, the word “department” and inserting in place thereof the following word:— division.

SECTION 1035. Section 4 of said chapter 159A, as so appearing, is hereby amended by striking out, in line 21, the word “department” and inserting in place thereof the following word:— division.

SECTION 1036. Section 5 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 1, 7, and 10, the word “department” and inserting in place thereof the following word:— division.

SECTION 1037. Section 6 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 5, 6, and 25, the word “department” and inserting in place thereof the following word:— division.

SECTION 1038. Section 7 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 2, 4, 10, 16, 17, 23, 26, 29, and 30, the word “department” and inserting in place thereof the following word:— division.

SECTION 1039. Section 7A of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 2, 6, 7, 25, 28, 51, and 52, the word "department" and inserting in place thereof the following word:— division.

SECTION 1040. Section 8 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 2, 7, 9, 11, 16, 17, 22, 23, and 25, the word "department" and inserting in place thereof the following word:— division.

SECTION 1041. Section 9 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 4, 6, 10 and 14, the word "department" and inserting in place thereof the following word:— division.

SECTION 1042. Section 10 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 3, 7, 12, 13, 19, and 21, the word "department" and inserting in place thereof the following word:— division.

SECTION 1043. Section 11 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 1 and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1044. Section 11A of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 4, 13, 50, 55, 64, 67, 70, 71, 94, and 99, the word "department" and inserting in place thereof the following word:— division.

SECTION 1045. Section 12 of said chapter 159A, as so appearing, is hereby amended by striking out, in the heading and lines 3, 10, 13, 19, and 21, the word "department" and inserting in place thereof the following word:— division.

SECTION 1046. Section 13 of said chapter 159A, as so appearing, is hereby amended by striking out, in the section heading and in line 2, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1047. Section 15 of said chapter 159A, as so appearing, is hereby amended by striking out, in lines 13, 14, 18, and 22, the word "department" and inserting in place thereof the following word:— division.

SECTION 1048. Section 2 of said chapter 159B, as so appearing in the 2000 Official Edition, is hereby amended by striking out, in line 38, the words "department of telecommunications and energy" and inserting in place thereof the following words:— vehicle safety division.

SECTION 1049. Section 3 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 3, 16, 44, 45, 58, 61, and 63, the word "department" and inserting in place thereof the following word:— division.

SECTION 1050. Section 4 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 28, 29, 30, 34, 36, and 50, the word "department" and inserting in place thereof the following word:— division.

SECTION 1051. Section 5 of said chapter 159B, as so appearing, is hereby amended by striking out, the word "department" in lines 7, 23, 38, 43, 51, and 52, and inserting in place thereof the following word:— division.

SECTION 1052. Section 6 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 2, 9, 16, 18, 25, 26, 31, 37, 44, 51, and 57, the word "department" and inserting in place thereof the following word:— division.

SECTION 1053. Section 6A of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 18 and 23, the word "department" and inserting in place thereof the following word:— division.

SECTION 1054. Section 6B of said chapter 159B, as most recently amended by section 19 of chapter 438 of the acts of 2002, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1055. Section 6D of said chapter 159B, as appearing in the 2002 Official Edition, is hereby amended by striking out the word "department" in line 6, and inserting in place thereof the following word:— division.

SECTION 1056. Section 8 of said chapter 159B, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1057. Section 9 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 2, 6 and 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1058. Section 10 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 3, 120, 141, and 145, the word "department" and inserting in place thereof the following word:— division.

SECTION 1059. Section 10A of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 1, 4, and 9 the word "department", and inserting in place thereof the following word:— division.

SECTION 1060. Section 10B of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 1, 5 and 14, the word "department" and inserting in place thereof the following word:— division.

SECTION 1061. Section 11 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 4, 22, 27, 36, 48, 51, 55, 57, 59, and 60, the word "department" and inserting in place thereof the following word:— division.

SECTION 1062. Section 11A of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 8 and 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1063. Section 12 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 4, 8, 11, and 18, the word "department" and inserting in place thereof the following word:— division.

SECTION 1064. Section 12A of said chapter 159B, as so appearing, is hereby amended by striking out, in line 1, the words "director of transportation division" in the section heading and inserting in place thereof the following words:— commissioner of transportation division.

SECTION 1065. Section 14 of said chapter 159B, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1066. Section 15 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 1 and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 1067. Section 16A of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 1, 5, and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1068. Section 18 of said chapter 159B, as so appearing, is hereby amended by striking out, in line 19, the word "department" and inserting in place thereof the following word:— division.

SECTION 1069. Section 20 of said chapter 159B, as so appearing, is hereby amended by striking out, in line 2, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1070. Section 21 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 9, 11, 12, 19, and 21, the word "department" and inserting in place thereof the following word:— division.

SECTION 1071. Section 1 of said chapter 160 in the 2000 Official Edition, as so appearing, is hereby amended by striking out, in line 7, the words "department of telecommunications and energy" and inserting in place thereof the following words:— vehicle safety division, hereinafter:— division.

SECTION 1072. Section 17 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 4 and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1073. Section 19 of said chapter 160, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1074. Section 21 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1-2, the word "department" and inserting in place thereof the following word:— division.

SECTION 1075. Section 23 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 10 and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 1076. Section 24 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 3, and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1077. Section 25 of said chapter 160, as so appearing, is hereby amended by striking out, in line 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1078. Section 44 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2, 3, and 6, the words "department" and inserting in place thereof the following word:— division.

SECTION 1079. Section 45 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 4 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1080. Section 46 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2, 13, and 18, the word "department" and inserting in place thereof the following word:— division.

SECTION 1081. Section 48 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 4, 5, 10, 11, 13, 16, 18, 24, 31, 36, 37, 46, and 50, the word "department" and inserting in place thereof the following word:— division.

SECTION 1082. Section 60 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 9, 21, 22, 23, and 25, the word "department" and inserting in place thereof the following word:— division.

SECTION 1083. Section 62 of said chapter 160, as so appearing, is hereby amended by striking out, in line 15, the word "department" and inserting in place thereof the following word:— division.

SECTION 1084. Section 70A of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1085. Section 72 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3, 5, 14, and 15, the word "department" and inserting in place thereof the following word:— division.

SECTION 1086. Section 76 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 5, 12, and 19, the word "department" and inserting in place thereof the following word:— division.

SECTION 1087. Section 77 of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1088. Section 79 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 5 and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1089. Section 80 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3, 4, 8-9, 11, 12, 20, 25, and 30, the word "department" and inserting in place thereof the following word:— division.

SECTION 1090. Section 81 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 7, 11, 14, and 15, the word "department" and inserting in place thereof the following word:— division.

SECTION 1091. Section 83 of said chapter 160, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1092. Section 84 of said chapter 160, as so appearing, is hereby amended by striking out, in line 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 1093. Section 85 of said chapter 160, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following word:— division.

SECTION 1094. Section 86 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 6 and 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 1095. Section 89 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 6, 7, and 18, the word "department" and inserting in place thereof the following word:— division.

SECTION 1096. Section 93A of said chapter 160, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1097. Section 95 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3 and 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 1098. Section 96 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2, 4, 19, and 21, the word "department" and inserting in place thereof the following word:— division.

SECTION 1099. Section 96 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1100. Section 97 of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1101. Section 98 of said chapter 160, as so appearing, is hereby amended by striking out, in line 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 1102. Section 102 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2 and 10, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1103. Section 102 of said chapter 160, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1104. Section 104 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2, 11-12, 17, 18, 22, and 23, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1105. Section 104 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 14, 15, 20, and 21, the words "department of telecommunications and energy" and inserting in place thereof the following word:— division.

SECTION 1106. Section 106 of said chapter 160, as so appearing, is hereby amended by striking out, in line 16, the word "department" and inserting in place thereof the following word:— division.

SECTION 1107. Section 111 of said chapter 160, as so appearing, is hereby amended by striking out, in line 6, the word

"department" and inserting in place thereof the following word:— division.

SECTION 1108. Section 113 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1 and 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1109. Section 115 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 5, 7, and 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 1110. Section 117 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 5 and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1111. Section 118 of said chapter 160, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following word:— division.

SECTION 1112. Section 119 of said chapter 160, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1113. Section 124 of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1114. Section 127A of said chapter 160, as so appearing, is hereby amended by striking out, in line 1, the words "department telecommunications and energy" and inserting in place thereof the following word:— division.

SECTION 1115. Section 128 of said chapter 160, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1116. Section 128A of said chapter 160, as so appearing, is hereby amended by striking out, in lines 5 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1117. Section 129 of said chapter 160, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following word:— division.

SECTION 1118. Section 131 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3 and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1119. Section 131A of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2, 6, 8, and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1120. Section 133 of said chapter 160, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1121. Section 134 of said chapter 160, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1122. Subsection (a) of said section 134 of said chapter 160, as so appearing, is hereby amended by striking out, the words "department of highways" in line 10.

SECTION 1123. Second paragraph, and inserting in place thereof the following words:— division of public works; and is further amended by striking out the words "department of telecommunications and energy", in lines 13 and 16, and inserting in place thereof the following words:— division of vehicle safety.

SECTION 1124. Section 136 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 5, 8, and 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1125. Section 137 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 6, 7, 8, 10, and 14, the word "department" and inserting in place thereof the following word:— division.

SECTION 1126. Section 138 of said chapter 160, as so appearing, is hereby amended by striking out, in line 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 1127. Section 139 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 9, and 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 1128. Section 140 of said chapter 160, as so appearing, is hereby amended by striking out, in line 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1129. Section 141 of said chapter 160, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1130. Section 142 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2 and 9, the word "department of highways" and inserting in place thereof the following word:— division of public works.

SECTION 1131. Section 143 of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1132. Section 143 of said chapter 160, as so appearing, is hereby further amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1133. Section 144 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1134. Section 145 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "department of public utilities" and inserting in place thereof the following word:— division.

SECTION 1135. Section 146 of said chapter 160, as so appearing, is hereby amended by striking out, in line 5, the word "department of highways" and inserting in place thereof the following word:— division.

SECTION 1136. Section 147 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2, 5, and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1137. Section 147A of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "department of telecommunications and energy" and inserting in place thereof the following word:— division.

SECTION 1138. Section 149 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 3, and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1139. Section 152 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 6, and 14, the word "department" and inserting in place thereof the following word:— division.

SECTION 1140. Section 155 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 9, 11, and 12, the word "department" and inserting in place thereof the following word:— division.

SECTION 1141. Section 156 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1142. Section 158 of said chapter 160, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following word:— division.

SECTION 1143. Section 162 of said chapter 160, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1144. Section 163 of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1145. Section 165 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 5 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1146. Section 167 of said chapter 160, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1147. Section 168 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1, 3, 7, 10, 16, and 19, the word "department" and inserting in place thereof the following word:— division.

SECTION 1148. Section 169 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 3, 7, 8, and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1149. Section 176 of said chapter 160, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1150. Section 185 of said chapter 160, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1151. Section 191 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 8 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1152. Section 197 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 6 and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1153. Section 198 of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1154. Section 201 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2 and 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1155. Section 206 of said chapter 160, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1156. Section 213 of said chapter 160, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1157. Section 215 of said chapter 160, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1158. Section 216 of said chapter 160, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1159. Section 232 of said chapter 160, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1160. Section 235 of said chapter 160, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1161. Section 242 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 4-5, 16, and 23, the word "department" and inserting in place thereof the following word:— division.

SECTION 1162. Section 243 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 2 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1163. Section 245 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 7 and 9, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1164. Section 246 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1 and 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1165. Section 249 of said chapter 160, as so appearing, is hereby amended by striking out, in lines 1 and 3, the word "department" in the first paragraph and inserting in place thereof the following word:— division.

SECTION 1166. Section 252 of said chapter 160, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1167. Section 1 of said chapter 161, as so appearing in the 2000 Official Edition, is hereby amended by striking out, in line 7, the words "department of telecommunications and energy" and inserting in place thereof the following words:— vehicle safety division, hereinafter:— division.

SECTION 1168. Section 7 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 25, 32, 40, and 44, the word "department" and inserting in place thereof the following word:— division.

SECTION 1169. Section 9 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1, 5, and 9, the word

"department" and inserting in place thereof the following word:— division.

SECTION 1170. Section 20A of said chapter 161, as so appearing, is hereby amended by striking out, in line 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1171. Section 24 of said chapter 161, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1172. Section 25 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 18, 21, 22, and 36, the word "department" and inserting in place thereof the following word:— division.

SECTION 1173. Section 26 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 12 and 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1174. Section 27 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3, 8, and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 1175. Section 28 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3, 5, and 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1176. Section 29 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 18 and 21, the word "department" and inserting in place thereof the following word:— division.

SECTION 1177. Section 30 of said chapter 161, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following word:— division.

SECTION 1178. Section 32 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3 and 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 1179. Section 33 of said chapter 161, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1180. Section 34 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 5, 6, and 8, the word "department" and inserting in place thereof the following word:— division.

SECTION 1181. Section 35 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 4, 11, 15, 22, and 29, the word "department" and inserting in place thereof the following word:— division.

SECTION 1182. Section 38 of said chapter 161, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1183. Section 39 of said chapter 161, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1184. Section 40 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 2, 7, 10, 17, 19, and 24, the word "department" and inserting in place thereof the following word:— division.

SECTION 1185. Section 42 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3, 9, 13, and 15, the word "department" and inserting in place thereof the following word:— division.

SECTION 1186. Section 43 of said chapter 161, as so appearing, is hereby amended by striking out, in line 2, the word "department" and inserting in place thereof the following word:— division.

SECTION 1187. Section 44 of said chapter 161, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1188. Section 46 of said chapter 161, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1189. Section 47 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1, 8, and 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 1190. Section 48 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3 and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1191. Section 49 of said chapter 161, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1192. Section 50 of said chapter 161, as so appearing, is hereby amended by striking out, in line 10, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1193. Section 53 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 9 and 20, the word "department" and inserting in place thereof the following word:— division.

SECTION 1194. Section 54 of said chapter 161, as so appearing, is hereby amended by striking out, in line 22, the word "department" and inserting in place thereof the following word:— division.

SECTION 1195. Section 55 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 6, 12, 14, 23, and 24, the word "department" and inserting in place thereof the following word:— division.

SECTION 1196. Section 56 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 2, 4, and 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1197. Section 58 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 14, 23, and 28, the word "department" and inserting in place thereof the following word:— division.

SECTION 1198. Section 63 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 11, 17, 19, and 43, the word "department" and inserting in place thereof the following word:— division.

SECTION 1199. Section 66 of said chapter 161, as so appearing, is hereby amended by striking out, in line 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 1200. Section 69 of said chapter 161, as so appearing, is hereby amended by striking out, in line 10, the word "department" and inserting in place thereof the following word:— division.

SECTION 1201. Section 69A of said chapter 161, as so appearing, is hereby amended by striking out, in lines 16, 17, and 18, the word "department" and inserting in place thereof the following word:— division.

SECTION 1202. Section 70 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 13, 14, 21, and 29, the word "department" and inserting in place thereof the following word:— division.

SECTION 1203. Section 71 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 10, 12, and 18, the word "department" and inserting in place thereof the following word:— division.

SECTION 1204. Section 72 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1 and 11, the word "department" and inserting in place thereof the following word:— division.

SECTION 1205. Section 73 of said chapter 161, as so appearing, is hereby amended by striking out, in line 16, the word "department" and inserting in place thereof the following word:— division.

SECTION 1206. Section 74 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1207. Section 77 of said chapter 161, as so appearing, is hereby amended by striking out, in line 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1208. Section 81 of said chapter 161, as so appearing, is hereby amended by striking out, in line 5, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1209. Section 81 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 7, 9, 10, 12, and 16, the words "department" and inserting in place thereof the following word:— division.

SECTION 1210. Section 82 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3, 10, and 13, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1211. Section 82 of said chapter 161, as so appearing, is hereby amended by striking out, in line 9, the words "department of telecommunications and energy" and inserting in place thereof the following words:— vehicle safety division.

SECTION 1212. Section 85 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1, 11, 14, and 22, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1213. Section 85 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 15, 18, 20, and 25, the words "department of telecommunications and energy" and inserting in place thereof the following words:— vehicle safety division.

SECTION 1214. Section 91 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1215. Section 92 of said chapter 161, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1216. Section 93 of said chapter 161, as so appearing, is hereby amended by striking out, in line 2, the word

"department" and inserting in place thereof the following word:— division.

SECTION 1217. Section 99 of said chapter 161, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1218. Section 101 of said chapter 161, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1219. Section 105 of said chapter 161, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1220. Section 108 of said chapter 161, as so appearing, is hereby amended by striking out, in line 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1221. Section 110 of said chapter 161, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1222. Section 111 of said chapter 161, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1223. Section 112 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1 and 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1224. Section 114 of said chapter 161, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1225. Section 116 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 4, 7 and 17, the word "department" and inserting in place thereof the following word:— division.

SECTION 1226. Section 117 of said chapter 161, as so appearing, is hereby amended by striking out, in line 15, the word "department" and inserting in place thereof the following word:— division.

SECTION 1227. Section 118 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 2 and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1228. Section 120 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 10, 14, 19, 21, 30, and 31, the word "department" and inserting in place thereof the following word:— division.

SECTION 1229. Section 121 of said chapter 161, as so appearing, is hereby amended by striking out, in line 13, the word "department" and inserting in place thereof the following word:— division.

SECTION 1230. Section 122 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 2 and 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1231. Section 125 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1, 6, 13, 15, 17, 19, 25, and 28, the word "department" and inserting in place thereof the following word:— division.

SECTION 1232. Section 126 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 2, 4, 6, and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1233. Section 127 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1, 3, and 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1234. Section 128 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 2, 5, and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1235. Section 129 of said chapter 161, as so appearing, is hereby amended by striking out, in line 13, the word "department" and inserting in place thereof the following words:— vehicle safety division.

SECTION 1236. Section 130 of chapter 161, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1237. Section 131 of said chapter 161, as so appearing, is hereby amended by striking out, in line 2, the words "department of highways" and inserting in place thereof the following words:— division of public works.

SECTION 1238. Section 132 of said chapter 161, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1239. Section 133 of said chapter 161, as so appearing, is hereby amended by striking out, in line 4, the word "department" and inserting in place thereof the following word:— division.

SECTION 1240. Section 136 subsection (i) of said chapter 161, as so appearing, is hereby amended by striking out, in line 2, the word "department" inserting in place thereof the following word:— division.

SECTION 1241. Section 138 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3 and 9, the word "department" and inserting in place thereof the following word:— division.

SECTION 1242. Section 139 of said chapter 161, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1243. Section 142 of said chapter 161, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1244. Section 143 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 7 and 14, the word "department" and inserting in place thereof the following word:— division.

SECTION 1245. Section 145 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 3, 12, and 23, the word "department" and inserting in place thereof the following word:— division.

SECTION 1246. Section 147 of said chapter 161, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1247. Section 149 of said chapter 161, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1248. Section 150 of said chapter 161, as so appearing, is hereby amended by striking out, in line 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1249. Section 152 of said chapter 161, as so appearing, is hereby amended by striking out, in line 5, the word "department" and inserting in place thereof the following word:— division.

SECTION 1250. Section 153 of said chapter 161, as so appearing, is hereby amended by striking out, in line 3, the word "department" and inserting in place thereof the following word:— division.

SECTION 1251. Section 154 of said chapter 161, as so appearing, is hereby amended by striking out, in lines 1, 3 and 6, the word "department" and inserting in place thereof the following word:— division.

SECTION 1252. Section 155 of said chapter 161, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1253. Section 156 of said chapter 161, as so appearing, is hereby amended by striking out, in line 1, the word "department" and inserting in place thereof the following word:— division.

SECTION 1254. Section 157 of said chapter 161, as so appearing, is hereby amended by striking out, in line 7, the word "department" and inserting in place thereof the following word:— division.

SECTION 1255. Section 161 of said chapter 161, as so appearing, is hereby amended by striking out, in line 15, the word "department" and inserting in place thereof the following word:— division.

SECTION 1256. Section 1 of chapter 161A, as so appearing, is hereby amended by striking out, in lines 102-103, the words "executive office of transportation and construction", and inserting in place thereof the following:— department of transportation.

SECTION 1257. Section 1 of chapter 161B, as so appearing, is hereby amended by striking out, in lines 35-36, the words "executive office of transportation and construction", and inserting in place thereof the following:— department of transportation.

SECTION 1258. Section 16 of chapter 161B, of the General Laws, is hereby amended by striking out the words "department of telecommunications and energy" in lines 2 and 3, and inserting in place thereof the following words:— "vehicle safety division".

SECTION 1259. Section 2 of chapter 161C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 4 through 5 and 102 through 103, the words "executive office of transportation and construction, established under chapter six A" and inserting in place thereof the following words:— department of transportation.

SECTION 1260. Section 2 of chapter 161D of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 15 and 16, the definition, "'Secretary', the secretary of the executive office of transportation and construction" and inserting in place thereof the following definition:—

"Secretary", the secretary of the department of transportation.

SECTION 1261. Chapter 164 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of telecommunications and energy" in each instance it appears, and inserting in place thereof in each instance, the following:— division of telecommunications and energy.

SECTION 1262. Said chapter 164, as so appearing, is hereby further amended by striking out the phrase "department" in each instance it appears, and inserting in place thereof in each instance, the following:— division.

SECTION 1263. Section 1F of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in lines 90 and 91, the words "division of energy resources" and inserting in place thereof the following words:— office of energy.

SECTION 1264. Said section 1F of said chapter 164, as so appearing, is hereby amended by striking out, in lines 95, 115, and 116, the word "division" and inserting in place thereof the word:— office.

SECTION 1265. Section 69H½ of said chapter 164, as so appearing, is hereby amended by striking out, in line 16, the words "department of environmental protection" and inserting in place thereof the following:— division of environmental protection.

SECTION 1266. Said section 69H½ of said chapter 164, as so appearing, is hereby further amended by striking out, in line 17, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1267. Section 134 of said chapter 164, as so appearing, is hereby amended by striking out, in lines 31, 51, and 75, the words "division of energy resources" and inserting in place thereof the following words:— office of energy.

SECTION 1268. Chapter 166A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of telecommunications and energy" in each instance it appears, and inserting in place thereof in each instance, the following:— division of telecommunications and energy.

SECTION 1269. Said chapter 166A, as so appearing, is hereby further amended by striking out the phrase "department" in each instance it appears, and inserting in place thereof in each instance, the following:— division.

SECTION 1270. Section 2 of chapter 166A of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 1271. Section 3A of chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 1272. Section 12 of chapter 176B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence thereof.

SECTION 1273. Said section 12 of said chapter 176B, as so appearing, is hereby further amended by striking out, in line 12, the words "of the board or".

SECTION 1274. Said section 12 of said chapter 176B, as so appearing, is hereby further amended by inserting after the words "of this chapter", in line 13, the following words:— or section 7M of chapter 6C.

SECTION 1275. Said section 12 of said chapter 176B, as so appearing, is further amended by striking out, in line 17, the word "board" and inserting in place thereof the following word:— commissioner.

SECTION 1276. Said section 12 of said chapter 176B, as so appearing, is hereby amended by striking out the second paragraph thereof.

SECTION 1277. Section 12 of chapter 176E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, the first and second sentences thereof.

SECTION 1278. Said section 12 of said chapter 176E, as so appearing, is further amended by striking out, in line 12, the words "of the board or".

SECTION 1279. Said section 12 of said chapter 176E, as so appearing, is hereby further amended by inserting after the words "of this chapter", in line 13, the following words:— or section 7M of chapter 6C.

SECTION 1280. Section 12 of chapter 176F of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first and second sentences.

SECTION 1281. Said section 12 of said chapter 176F, as so appearing, is hereby further amended by striking out, in lines 12 and 13, the words "of the board or".

SECTION 1282. Said section 12 of said chapter 176F, as so appearing, is hereby further amended by inserting after the words "of this chapter", in line 13, the following words:— or section 7M of chapter 6C.

SECTION 1283. Section 2 of chapter 176O of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subparagraphs (a), (b) and (c) thereof.

SECTION 1284. Section 2 of chapter 183A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 13 and 14, the words "department of environmental protection" and inserting in place thereof the following:— office of coastal zone management.

SECTION 1285. Section 32 of chapter 184 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 21, 30, 52 through 53, 69 through 70, and 75, the words "environmental affairs".

SECTION 1286. Said section 32 of said chapter 184, as so appearing, is hereby further amended by striking out, in lines 22, 31 through 32, 54, and 69, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1287. Said section 32 of said chapter 184, as so appearing, is hereby further amended by striking out, in lines 23, 33, 54 through 55, and 77, the words "food and agriculture" and inserting in place thereof the following:— the division of agricultural resources.

SECTION 1288. Said section 32 of said chapter 184, as so appearing, is hereby amended by striking out, in lines 25, 34 through 35, 55, and 77, the word "director" and inserting in place thereof in each instance the word:— secretary.

SECTION 1289. Section 33 of said chapter 184, as so appearing, is hereby amended by striking out, in line 29, the word "director" and inserting in place thereof the word:— secretary.

SECTION 1290. Said section 33 of said chapter 184, as so appearing, is hereby further amended by striking out, in line 33, the words "of environmental affairs" and inserting in place thereof the following:— for the environment.

SECTION 1291. Said section 33 of said chapter 184, as so appearing, is hereby further amended by striking out, in line 39, the words "food and agriculture" and inserting in place thereof the following:— the division of agricultural resources.

SECTION 1292. Said section 33 of said chapter 184, as so appearing, is hereby further amended by striking out, in line 45, the punctuation mark "," the second time it appears.

SECTION 1293. Said section 33 of said chapter 184, as so appearing, is hereby further amended by striking out, in lines 45 and 46, the word "director" and by inserting in place thereof the word:— secretary.

SECTION 1294. Section 1 of chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 136 and 137, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1295. Section 8 of chapter 233 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 10 and 11, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation,.

SECTION 1296. Section 79F of said chapter 233, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "metropolitan district commission" and inserting in place thereof the following:— commissioner of the division of conservation and recreation.

SECTION 1297. Section 2 of chapter 252 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "department of environmental protection" and inserting in place thereof the following:— division of environmental protection.

SECTION 1298. Said section 2 of said chapter 252, as so appearing, is hereby further amended by striking out, in lines 2 and 3, the words "department of food and agriculture" and inserting in place thereof the following:— the division of agricultural resources.

SECTION 1299. Said section 2 of said chapter 252, as so appearing, is hereby further amended by striking out, in line 4, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1300. Said section 2 of said chapter 252, as so appearing, is hereby further amended by striking out, in line 10, the words "department of food and agriculture" and inserting in place thereof the following:— division of agricultural resources.

SECTION 1301. Section 4A of said chapter 252, as so appearing, is hereby amended by striking out, in lines 2 through 4, the words ", or through the metropolitan district commission in respect to the metropolitan parks or water district or either metropolitan sewerage district,".

SECTION 1302. Section 39 of chapter 253 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1303. Section 44 of said chapter 253, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "commissioner of environmental management" and inserting in place thereof the following:— commissioner of conservation and recreation.

SECTION 1304. Section 47 of said chapter 253, as so appearing, is hereby amended by striking out, in line 16, the word "department" and inserting in place thereof the following:— division.

SECTION 1305. Section 50A of said chapter 253, as so appearing, is hereby amended by striking out, in line 1, the words "department of environmental management" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1306. Section 4 of chapter 260 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 13, the words "of the metropolitan district commission,".

SECTION 1307. Section 34 of chapter 262 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 72 and 74, the words "metropolitan district commission" and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1308. Section 56 of said chapter 262, as so appearing, is hereby amended by striking out, in line 4, the words

“, other than a police officer of the metropolitan district commission,”.

SECTION 1309. Section 16 of chapter 270 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 88 and 89, the words “department of environmental management” and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1310. Section 33 of chapter 276 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 7 and 8, the words “metropolitan district commission” and inserting in place thereof the following:— division of conservation and recreation.

SECTION 1311. Section 1 of chapter 465 of the acts of 1956 is hereby amended by striking out the last sentence of paragraph (d) and inserting in place thereof the following:— Any obligation or expense hereafter incurred at the request of the Authority by the department of public works, the division of conservation and recreation or by the highway department of the city or by any other governmental agency for engineering and legal services in connection with the construction of a project and the financing thereof shall be regarded as a part of the cost of the project and shall be assumed and paid by the Authority, or reimbursed to the commonwealth or to the city or to such agency out of the proceeds of the revenue bonds hereinafter authorized.

SECTION 1312. Section 4 of said chapter 465 of the acts of 1956 is hereby amended by striking out the last sentence of the fourth paragraph and inserting in place thereof the following:— This section shall not apply to facilities on property of the commonwealth under the control of the department of highways or the division of conservation and recreation or installed under licenses or permits granted by said department or commission, except with its approval.

SECTION 1313. Section 23 of said chapter 465 of the acts of 1956 is hereby amended by striking out the first sentence of the second paragraph and inserting in place thereof the following:— The Authority may call upon the department of public works, the division of conservation and recreation, the department of commerce, the department of highways, the planning board of the city, and such other state or city boards, commissions, divisions or agencies as may be deemed advisable for the purposes of assisting in making investigations, studies, surveys and estimates, and in policing the projects, and the Authority may arrange for payment for such services and expenses of said agencies in connection therewith.

SECTION 1314. Clause (a) of subparagraph (1) of section 4A of chapter 1078 of the acts of 1973, as amended by chapter 589 of the acts of 1987, is hereby repealed.

SECTION 1315. Section 353 of chapter 159 of the acts of 2000 is hereby repealed.

SECTION 1316. (a) Notwithstanding the provisions of any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations of the following functions of state government from the transferor agency to the transferee agency, as hereby defined:

(1) The functions of the fiscal affairs division, as the transferor agency, to the executive office of administration and finance, as the transferee agency.

(2) The functions of the central business office, as the transferor agency, to the executive office of administration and finance, as the transferee agency.

(3) The functions of the fiscal advisory board, as the transferor agency, to the executive office of administration and finance, as the transferee agency.

(4) The functions of the human resources division, as the transferor agency, to the department of human resources, as the transferee agency.

(5) The functions of the office of employee relations, as the transferor agency, to the department of human resources, as the transferee agency.

(6) The functions of the office of dispute resolution, as the transferor agency, to the department of human resources, as the transferee agency.

(7) The functions of the office of worker's compensation administration, as the transferor agency, to the department of human resources, as the transferee agency.

(8) The functions of the division of management services, as the transferor agency, to the department of human resources, as the transferee agency.

(9) The functions of the division of technical services, as the transferor agency, to the department of human resources, as the transferee agency.

(10) The functions of the division of information services, as the transferor agency, to the department of human resources, as the transferee agency.

(11) The functions of the information technology division, as the transferor agency, to the department of information technology, as the transferee agency.

(12) The functions of the operational services division, as the transferor agency, to the department of procurement, as the transferee agency.

(13) The functions of the division of purchased services, as the transferor agency, to the department of procurement, as the transferee agency.

(14) The functions of the bureau of accounts, as the transferor agency, to the department of revenue, as the transferee agency.

(15) The functions of the bureau of assessments, as the transferor agency, to the department of revenue, as the transferee agency.

(16) The functions of the division of inspectional services, as the transferor agency, to the department of revenue, as the transferee agency.

(17) The functions of the office of problem resolution, as the transferor agency, to the department of revenue, as the transferee agency.

(18) The functions of the office of tax policy analysis, as the transferor agency, to the department of revenue, as the transferee agency.

(19) The functions of the underground storage tank program, as the transferor agency, to the department of environment, as the transferee agency.

(20) The functions of the department of capital asset management and maintenance, as the transferor agency, to the department of capital assets, as the transferee agency.

(21) The functions of the advisory council to the department of capital asset management and maintenance, as the transferor agency, to the department of capital assets, as the transferee agency.

(22) The functions of the office of programming, as the transferor agency, to the department of capital assets, as the transferee agency.

(23) The functions of the office of program management, as the transferor agency, to the department of capital assets, as the transferee agency.

(24) The functions of the office of facilities management, as the transferor agency, to the department of capital assets, as the transferee agency.

(25) The functions of the bureau of state office buildings, as the transferor agency, to the department of capital assets, as the transferee agency.

(26) The functions of the department of capital asset management and maintenance regarding the oversight of dams, as the transferor agency, to the department of the environment, as the transferee agency.

(27) The functions of the division of administrative law appeals, as the transferor agency, to the office of administrative hearings, as the transferee agency.

(28) The functions of the civil service commission, as the transferor agency, to the office of administrative hearings, as the transferee agency.

(29) The functions of the appellate tax board, as the transferor agency, to the office of administrative hearings, as the transferee agency.

(30) The functions of the Massachusetts office of dispute resolution, as the transferor agency, to the office of administrative hearings, as the transferee agency.

(31) The functions of the division of energy resources, as the transferor agency, to the office of energy within the executive office of commonwealth development, as the transferee agency.

(32) The functions of the executive office of transportation and construction, as the transferor agency, to the department of transportation within the executive office of commonwealth development, as the transferee agency.

(33) The functions of the department of highways, as the transferor agency, to the division of pubic works, as the transferee agency.

(34) The functions of the Massachusetts aeronautics commission, as the transferor agency, to the division of aeronautics, as the transferee agency.

(35) The functions of the department of the transportation division of the department of telecommunication and energy, as the transferor agency, to the division of vehicle safety, as the transferee agency.

(36) The functions of the outdoor advertising board, as the transferor agency, to the bureau of outdoor advertising within the division of public works, as the transferee agency.

(37) The functions of the transportation functions of the metropolitan district commission, as the transferor agency, to the bureau of parkways within division of public works, as the transferee agency.

(38) The functions of the department of housing and community development, as the transferor agency, to the department of housing and community development within the executive office of commonwealth development, as the transferee agency.

(39) The functions of the executive office of environmental affairs, as the transferor agency, to the department of the environment within the executive office of commonwealth development, as the transferee agency.

(40) The functions of the department of environmental protection, as the transferor agency, to the office of coastal zone management, as the transferee agency, relative to the waterways program and licensing and related functions under chapter 91 of the General Laws.

(41) The functions of the office of toxics use reduction assistance and technology of the executive office of environmental

affairs, as the transferor agency, to the division of environmental protection, as the transferee agency.

(42) The functions of the metropolitan district commission, as the transferor agency, to the division of conservation and recreation, as the transferee agency.

(43) The functions of the department of environmental management, as the transferor agency, to the division of conservation and recreation, as the transferee agency.

(44) The functions of the hazardous waste facility site safety council and the department of environmental management, as the transferor agencies, to the division of environmental protection, as the transferee agency, relative to chapter 21D of the General Laws.

(45) The functions of the public access board of the department of fisheries, wildlife and environmental law enforcement, as the transferor agency, to the public access board within the division of conservation and recreation, as the transferee agency.

(46) The functions of the department of environmental management, as the transferor agency, to the public access board within the division of agricultural resources, as the transferee agency, relative to the forest cutting practices act under sections 40 through 51 of chapter 132 of the General Laws.

(47) The functions of the office of consumer affairs and business regulation, as the transferor agency, to the department of consumer and commercial services, as the transferee agency.

(48) The functions of the small loans regulatory board, as the transferor agency, to the division of banks, as the transferee agency.

(49) The functions of the division of banks, as the transferor agency, to the division of banks and loan agencies, as the transferee agency.

(50) The functions of the fraudulent claims board, as the transferor agency, to the division of insurance, as the transferee agency.

(51) The functions of the medical service corporation dispute board, as the transferor agency, to the division of insurance, as the transferee agency.

(52) The functions of the dental service corporation dispute board, as the transferor agency, to the division of insurance, as the transferee agency.

(53) The functions of the optometric service corporation dispute board, as the transferor agency, to the division of insurance, as the transferee agency.

(54) The functions of the department of telecommunications and energy, as the transferor agency, to the division of telecommunications and energy, as the transferee agency.

(55) The functions of the bureau of telecommunications and energy, as the transferor agency, to the division of telecommunications and energy, as the transferee agency.

(56) The functions of the bureau of community antenna television, as the transferor agency, to the division of telecommunications and energy, as the transferee agency.

(57) The functions of the facility siting board, as the transferor agency, to the division of telecommunications and energy, as the transferee agency.

(58) The functions of the permanent standing advisory board of the division of standards, as the transferor agency, to the division of standards, as the transferee agency.

(59) The functions of the department of public safety, as the transferor agency, to the division of inspection and regulation, as the transferee agency.

(60) The functions of the department of labor and workforce development, as the transferor agency, to the department of labor, as the transferee agency.

(61) The functions of the board of review with the division of employment and training, as the transferor agency, to the division of employment and training, as the transferee agency.

(62) The functions of the bureau of administration within the division of industrial accidents, as the transferor agency, to the division of industrial accidents, as the transferee agency.

(63) The functions of the office of claims administration within the division of industrial accidents, as the transferor agency, to the division of industrial accidents, as the transferee agency.

(64) The functions of the office of education and vocational rehabilitation within the division of industrial accidents, as the transferor agency, to the division of industrial accidents, as the transferee agency.

(65) The functions of the office of administration and data processing within the division of industrial accidents, as the trans-

feror agency, to the division of industrial accidents, as the transferee agency.

(66) The functions of the office of safety within the division of industrial accidents, as the transferor agency, to the division of industrial accidents, as the transferee agency.

(67) The functions of the advisory council within the division of industrial accidents, as the transferor agency, to the division of industrial accidents, as the transferee agency.

(68) The functions of the conciliation unit within the bureau of dispute resolution within the division of industrial accidents, as the transferor agency, to the bureau of dispute resolution within the division of industrial accidents, as the transferee agency.

(69) The functions of the department of economic development, as the transferor agency, to the department of business and technology, as the transferee agency.

(70) The functions of the office of business development, as the transferor agency, to the department of business and technology, as the transferee agency.

(71) The functions of the division of business services, as the transferor agency, to the department of business and technology, as the transferee agency.

(72) The functions of the division of small business, as the transferor agency, to the department of business and technology, as the transferee agency.

(73) The functions of the division of manufacturing development, as the transferor agency, to the department of business and technology, as the transferee agency.

(74) The functions of the office of travel and tourism, as the transferor agency, to the department of business and technology, as the transferee agency.

(75) The functions of the office of international trade and tourism, as the transferor agency, to the department of business and technology, as the transferee agency.

(76) The functions of the office of science and technology, as the transferor agency, to the department of business and technology, as the transferee agency.

(77) The functions of the office of film and video, as the transferor agency, to the department of business and technology, as the transferee agency.

(78) The functions of the Massachusetts quasi-public planning council, as the transferor agency, to the department of business and technology, as the transferee agency.

(79) The functions of the executive office of elder affairs, as the transferor agency, to the department of elder affairs, as the transferee agency.

(80) The functions of the division of medical assistance, as the transferor agency, to the executive office for health and human services, as the transferee agency.

(81) The functions of the division of health care finance and policy, as the transferor agency, to the department of public health, as the transferee agency.

(82) The functions of the department of veterans' services within the executive office for administration and finance, as the transferor agency, to the department of veterans' services within the executive office for health and human services, as the transferee agency.

(83) The functions of the child abuse prevention board, as the transferor agency, to the children's trust fund board, as the transferee agency.

(84) The functions of the executive office of public safety, as the transferor agency, to the executive office of public safety and homeland security, as the transferee agency.

(b) Subject to appropriation, the employees of each transferor agency, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section nine A of chapter 30 of the General Laws or do not hold such tenure, are hereby transferred to the respective transferee agency, without interruption of service and without a reduction in compensation or salary grade. Notwithstanding the provisions of any general or special law to the contrary, all such employees shall retain their rights to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of chapter 150E.

(c) All petitions, requests, investigations, hearings and other proceedings appropriately and duly brought before each transferor agency or duly begun by each transferor agency and pending before it before the effective date of this act shall continue unabated and remain in force, but shall be assumed and completed by the respective transferee agency.

(d) All orders, rules and regulations, licenses, permits, certificates duly made and all approvals duly granted by each transferor agency, which are in force immediately before the effective date of this act, shall continue in force and the provisions thereof shall thereafter be enforced, until superceded, revised, rescinded or cancelled, in accordance with law, by the respective transferee agency.

(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of each transferor agency shall be transferred to the respective transferee agency.

(f) All duly existing contracts, leases and obligations of each transferor agency shall continue in effect but shall be assumed by the respective transferee agency. No existing right or remedy of any character shall be lost, impaired or affected by the provision of this act.

(g) All references in any general or special law to each transferor agency or the principal officer thereof shall be deemed to refer to the respective transferee agency or the principal officer thereof.

SECTION 1317. (a) Any state agency or function formerly under the executive office of elder affairs, or the executive office of health and human services, and not amended or repealed by this act, shall continue in the same form under the executive office of health and human services.

(b) Any state agency or function formerly under the executive office of environmental affairs, or the executive office of transportation and not amended or repealed by this act, shall continue in the same form under the executive office of commonwealth development.

(c) Any state agency or function formerly under the executive office of public safety and not amended or repealed by this act, shall continue in the same form under the executive office of public safety and homeland security.

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